

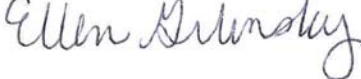
**COMMONWEALTH OF VIRGINIA**  
**Department of Environmental Quality**  
**Water Division**  
**Ellen Gilinsky, Ph.D., Director**

**P.O.BOX 1105**

**Richmond, VA 23218**

**Subject:** Guidance Memo No. 09-2007 Implementation Guidance for Reissuance of the General VPDES Permit for Nonmetallic Mineral Mining Facilities VAG84

**To:** Regional Directors

**From:** Ellen Gilinsky 

**Date:** July 20, 2009

**Copies:** Deputy Regional Directors, Regional Water Permit Managers, Regional Water Compliance Managers, Rick Weeks, James Golden, and Fred Cunningham

**Summary:**

This guidance memo replaces Guidance Memo Nos. 04-2011 and 99-2007, the implementation guidance for the reissuance of General Permit VAG84. On April 27, 2009, the State Water Control Board adopted amendments to the General VPDES Permit Regulation for Nonmetallic Mineral Mining Facilities, 9 VAC 25-190-10 et seq., which modified General Permit VAG84. These modifications are effective July 1, 2009. Copies of the amended permit regulation, fact sheet, modified registration statement, and modified general permit and other items are attached. The purpose of this guidance memo is to identify changes that have been made to the General Permit VAG84, to provide DEQ staff with guidance on implementation of these changes and to provide guidance on aspects of the permit that have raised questions.

**Electronic Copy:**

An electronic copy of this guidance in PDF format is available for staff internally on DEQNET, and for the general public on DEQ's website at

<http://www.deq.virginia.gov/waterguidance/permits.html>.

**Contact Information:**

Please contact Fred Cunningham, Office of Water Permits and Compliance Assistance, at (804) 698-4285 or [frederick.cunningham@deq.virginia.gov](mailto:frederick.cunningham@deq.virginia.gov) with any questions regarding the application of this guidance.

**Disclaimer:**

**This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate any particular method nor does it prohibit any particular method for the analysis of data, establishment of a wasteload allocation, or establishment of a permit limit. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.**

## **1. Background**

This guidance memo replaces Guidance Memo Nos.04-2011 and 99-2007, the implementation guidance for the reissuance of General Permit VAG84. On April 27, 2009, the State Water Control Board adopted amendments to the General VPDES Permit Regulation for Nonmetallic Mineral Mining Facilities, 9 VAC 25-190-10 et seq., which modified General Permit VAG84. These modifications are effective July 1, 2009. Copies of the amended permit regulation, fact sheet, modified registration statement, modified general permit and other items are attached. The purpose of this guidance memo is to identify changes that have been made to the General Permit VAG84, to provide DEQ staff with guidance on implementation of these changes and to provide guidance on aspects of the permit that have raised questions during the reissuance.

The existing General Permit VAG84 expires on July 1, 2009. All facilities currently permitted under VAG84 must submit a registration statement and appropriate fee to be permitted under the amended general permit. All necessary paperwork is attached to this guidance.

## **2. Changes to the General Permit 2009**

In addition to the new effective and expiration, the following are other changes made to the regulation:

- a. Procedures were added to the regulation for the owner to terminate coverage under this general permit by filing a notice of termination.
- b. Specific language was added to clarify that coverage under this general permit is not authorized unless the discharge complies with Virginia's antidegradation policy in the Water Quality Standards at 9VAC25-260-30.
- c. Vehicle/equipment washing is now defined as the washing with detergents or steam cleaning of engines and other drive components in which the purpose is to clean and degrease the equipment for maintenance and other purposes. The application of water without detergent to a vehicle exterior for the purpose of removing sediment is excluded from the definition.
- d. If a "total maximum daily load" (TMDL) allocation has been established by the board and approved by EPA prior to July 1, 2009, coverage may only be provided where the owner develops, implements and maintains a Storm Water Pollution Prevention Plan (SWPPP) that is consistent with the assumptions and requirements of the TMDL.
- e. Two or more substantially identical storm water outfalls may be represented by sampling one outfall and submittal of a single DMR during the reporting period.

- f. Part I.A.3 requires that all samples taken to meet the storm water monitoring requirements be collected on a storm event that results in an actual discharge (defined as a “measurable storm event”) that follows the preceding measurable storm event by at least 72 hours (3 days).
- g. Part I.A.3. further establishes that for snowmelt or a discharge from a storm water settling lagoon, a representative sample shall be taken at the time the discharge occurs.
- h. Process wastewater may be used on site for the purpose of dust suppression. Process wastewater from mine dewatering may also be provided to local property owners for beneficial agricultural use.
- i. The permit now requires reporting of at least two significant digits for all parameters with monitoring in the permit.
- j. If a storm water outfall TSS monitoring result (as required by Part I.A.3) are greater than the evaluation value of 100 mg/l, then the permittee is required to perform an inspection and maintain documentation as described in Part II.H.3.d for that outfall.
- k. The requirement for a quarterly visual assessment does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water.
- l. If a SWPPP that references other plans or documents does not contain all of the required elements of the SWPPP of Part II.H, the permittee must develop the missing plan elements and include them in the required SWPPP.

### **3. Coverage**

This general permit covers:

- a. Discharges of process wastewater as well as storm water associated with industrial activity from active and inactive mineral mines classified nonmetallic mineral mining facilities under the following SIC codes.
  - 1411 - dimension stone,
  - 1422 - crushed and broken limestone,
  - 1423 - crushed and broken granite,
  - 1429 - crushed and broken stone, not elsewhere classified,
  - 1442 - constructed sand and gravel,
  - 1455 - kaolin and ball clay,
  - 1459 -clay, ceramic, and refractory mineral, not elsewhere classified; the general permit excludes bentonite and magnesite mines from coverage,
  - 1475 - phosphate rock, and
  - 1499 - miscellaneous nonmetallic mineral, except fuels; the general permit excludes gypsum, graphite, asbestos, diatomite, jade, novaculite, wollastonite, tripoli or asphaltic mineral from coverage.

- b. Discharges for active and inactive nonmetallic mineral mining facilities in SIC Major Group 14 composed entirely of storm water associated with industrial activity.  
Note: SIC Code 1446 and several specific operations within SIC Codes 1459 and 1499 are not included in this general permit since EPA effluent guidelines for these operations are more stringent than those in the general permit.

Any nonmetallic mineral mining activity not addressed under this general permit with a discharge will require an individual VPDES permit.

Discharges associated with industrial activities other than mineral mining may be provided coverage under this permit (co-located facility). The other industrial activity should have wastewater characteristics similar to those of the mineral mine and be located within the permitted mining area. The regulation lists manufacturing of ready-mix concrete (SIC Code 3273), concrete products (SIC Codes 3271 and 3272) and asphalt paving materials excluding asphalt emulsion manufacturing (SIC Code 2951) as common co-located facilities that may be provided coverage under this general permit.

#### **4. Restrictions to Coverage**

Coverage for facilities that discharge process wastewater and/or storm water from a nonmetallic mineral mining operation is subject to the following restrictions. Coverage is not allowed if:

- a. The owner is required by DEQ to obtain an individual permit.
- b. The discharge(s) is to any state waters specifically named in other board regulations or policies which prohibit such discharges (e.g. Exceptional Waters in 9VAC25-260-30).
- c. The wastewater or storm water discharge(s) may reasonably be expected to cause, or may be contributing to a violation of water quality standards, including discharges or discharge-related activities that are likely to adversely affect aquatic life.
- d. The discharge(s) will violate Virginia's antidegradation policy in the Water Quality Standards (9VAC25-260-30).
- e. A "total maximum daily load" (TMDL) allocation has been established by the board and approved by EPA prior to July 1, 2009, and the owner does not develop, implement and maintain a SWPPP that is consistent with the assumptions and requirements of the TMDL. This requirement only applies where the facility is a source of the TMDL pollutant of concern.
- f. The owner does not have a mineral mining permit approved by the Virginia Department of Mines, Minerals and Energy, Division of Mineral Mining under provisions and requirements of Title 45.1 of the Code of Virginia. Mineral. Mines located in bordering states with discharges in Virginia shall provide documentation that they have a mining permit from the appropriate state authority. Mineral mines

owned and operated by governmental bodies not subject to the provisions and requirements of Title 45.1 of the Code of Virginia are exempt from this requirement.

## **5. Registration Statements and Fees**

The information required to be submitted on the registration statement is contained in 9 VAC 25-190-60. The permittee is not required to use the DEQ registration form to apply for coverage under the general permit. However, all the information required for registration listed in the permit regulation (including the certification) is required to process an application for coverage. The registration statement and its instructions are included with this guidance (Attachment C). The registration statement has changed in 2009 (added email addresses; latitude/longitudes of facility, and representative outfalls). The contact information and the option to provide the permit electronically are not included in the regulation and are not required to be completed as part of the registration statement. The registration forms are posted on DEQNET.

### Facilities that Require Registration Statements

- a. Facilities that are currently covered by General Permit VAG84 must submit a registration statement in order to continue coverage under the reissued permit.
- b. Qualifying new facilities must submit a registration statement 30 days prior to commencing discharge in order to obtain coverage under the general permit.
- c. Qualifying existing facilities that currently discharge to surface waters or to a MS4 without a permit must submit a registration statement in order to obtain coverage under the general permit.
- d. Qualified facilities that currently discharge process wastewater and/or storm water under an individual VPDES permit can apply for coverage under the general permit but need not apply immediately. It is preferable that such application be timed to coincide with the expiration of the individual permit. These facilities may allow their individual VPDES permit to expire and apply for the general permit 180 days prior to expiration of the individual permit or have the individual permit voluntarily terminated or revoked and the general permit issued in its place. Because there is no refund for the difference of the application fee between the individual and general VPDES permits when the individual VPDES permit is terminated, most permittees will likely choose to allow the individual permit to expire and then replace it with the general permit. Individual permit coverage should be converted to general permit coverage prior to April 1<sup>st</sup> of the billing year to avoid having to pay the DEQ Annual Maintenance Fee for that billing year.

### Registration Statement and Fee Submittals

The transmittal letter and registration statement notify the facility to reapply for coverage may be sent to selected permittees by email (Attachment E). The email should inform the permittee that a hard copy of the registration statement with the original owner signature is necessary to provide permit coverage.

For 2009, the 180 day deadline for submittal of registration statements for reapplication has been waived. Request the return of the registrations statements within 30 days of the date on the transmittal letter. Negotiate alternate return dates on a case by case basis as long as the registration return date is no later than July 1, 2009.

An original signed registration statements must be submitted to the appropriate regional office. A copy of the fee form and a copy of the applicant's check should accompany the registration statement. The original fee form and the check must be submitted to Receipts Control at the DEQ Central Office (see fee form link below). The fee must be paid in full at the time the registration statement is submitted for coverage under the general permit.

For CEDS and other purposes, the date of permit application receipt (APRD) should be based on the date the signed registration statement is received.

The fee form to be submitted with the registration statement for coverage under this general permit is no longer included among the attachments of the guidance memo. Always obtain the latest version of Fee Form available on the DEQnet at

<http://deqnet/documents/index.asp?path=%2Fdocs%2Fwater%2FWater%5Fpermit/Water%5FFee%5FForm>

The fee for registration under this general permit is \$600. There is no pro-rating of fees.

#### Registration Statement Evaluation

Review the registration statement to determine if the application is complete and if the facility qualifies for coverage. Staff should use the instructions to the registration statement as a guide for the type information required for each item on the registration statement. Specific evaluation guidance for the registration statement is as follows:

- a. *Added Chemicals (Item 18)*: The registration statement requires the applicant to list chemical added to the water that could be discharged. If staff believes any chemical listed needs to be limited or controlled, the facility should not be covered by the general permit. The permit does not allow the discharge of any chemicals other than those listed on the registration statement. Prior approval from DEQ is required for discharges of new chemicals not listed on the registration statement.
- b. *Representative Discharges (Item 15)*: The permittee may submit information with the registration statement requesting that two or more substantially identical storm water outfalls be represented by sampling one outfall and submittal of a single DMR during the reporting period. Staff should consider industrial activity, significant materials, and management practices and activities within the area drained by the outfalls to determine if the request is acceptable.

The DMME regulations (4 VAC 25-31) include erosion and sedimentation control practices for facilities covered under this general permit. DMME requires temporary

and permanent control facilities for mining operations be designed to accommodate the rainfall from at least the 50-year and 100-year storm event, respectively, and that control facilities provide for considerable sediment storage (0.125 acre-feet per disturbed acre). The storm event specifications in these requirements exceed the 10-year storm event threshold after which federal effluent guidelines exempt overflows from applicable federal effluent limitations.

For facilities that discharge storm water through settling basins meeting design criteria approved by DMME, it is expected that a facility's storm water discharges from these settling basins will result in substantially identical storm water outfalls that may be represented by sampling one outfall.

- c. *Provide DMME Registration Statement:* Provide a electronic copy of the complete registration statement to DMME. It is not necessary to include attachments. Registration statements should be sent to the following email address at DMME:  
[Tom.Bibb@dmme.virginia.gov](mailto:Tom.Bibb@dmme.virginia.gov)
- d. *Total Maximum Daily Load (TMDL):* If a TMDL allocation has been established by the board and approved by EPA prior to July 1, 2009, coverage may only be provided where the owner develops, implements and maintains a SWPPP that is consistent with the assumptions and requirements of the TMDL. This requirement only applies where the facility is a source of the TMDL pollutant of concern. If the TMDL also establishes a numeric wasteload allocation that applies to discharges from the facility, the owner is required to perform monitoring in accordance with Part I.A and implement measures necessary to meet that allocation.
- e. *Antidegradation Policy:* Discharges under this general permit meet water quality standards and antidegradation requirements for Tier 1 and 2 and no further evaluation is necessary. New or increased discharges to Tier 3 waters under this permit are prohibited.

## **6. Issuance of the General Permit**

Once it is determined that the registration statement represents a facility that qualifies for coverage, the general permit pages can be prepared. The general permit pages are included with this guidance (Attachment D). The cover page printed on agency letterhead, Part I effluent limits, special conditions, and boilerplate should be assembled with the general permit number for the facility entered in the upper right hand corner of the Part I, II, and III pages.

Applicable Part I.A limitations will be determined by the types of discharge identified in the registration statement. The appropriate outfall number(s) must be added at the end of the first sentence in Part I.A.1 and A.3. For each facility with coverage all outfall numbers shall be unique and may not reused when outfalls are eliminated.

For facilities that only have coverage under one of the effluent limitations (A.1 or A.3) "Not Applicable" must be added at the end of the first sentence where coverage is not provided under the

general permit. The authorized discharges with coverage under this permit should be listed in the transmittal letter. No other changes to the language of the general permit are authorized.

New permit numbers will continue to be assigned by CEDS. Existing permittees will retain the same permit number when they reapply. All permit numbers will begin with the same five characters: VAG84. Please remember that the permit number must be added to the permit pages, including the cover page, before the permit is sent to the permittee.

The general permit requires quarterly or annual monitoring and reporting. Therefore, Discharge Monitoring Reports (DMRs) are necessary for reporting and compliance tracking. DMRs should be prepared to reflect the applicable effluent limitations and monitoring requirements for each outfall addressed in Part I.A of the permit.

Every storm water outfall will be issued an individual DMR. The DMR for each outfall will also list all the substantially identical discharges that may be represented by the submittal of a single DMR for the required reporting period. The Nonmetallic Mineral Mining CEDS module has been modified to generate these DMRs. (See Nonmetallic Mineral Mining CEDS Manual for procedures.)

Where practicable the permittee should sample a different substantially identical storm water outfall each year to meet the annual reporting requirement. Although sampling a different outfall is not a requirement the permittees should be encouraged to develop internal procedures to address this issue.

Use the appropriate letter to transmit the permit and DMRs to the permittee (Attachment F). It is not necessary to copy the DEQ Office of Water Permits and Compliance Assistance (OWPCA) or EPA on individual coverage under a general permit. The transmittal letter for coverage under a general permit does not contain the two paragraphs referencing the owner's right to appeal the decision to cover them under a general permit. The transmittal letter should:

- a. List authorized discharges with coverage under this permit,
- b. Identify when DMRs are due and where to send the DMRs,
- c. Provide instructions to monitor and report substantially identical storm water outfalls using only the DMR for the outfall where the sample is collected and where practicable to sample a different outfall each reporting period so that all outfalls are sampled, and
- d. If applicable, notify the permittee that a TMDL applies to the discharge and the permittee is required to develop, implement, and maintain a SWPPP that is consistent with the assumptions and requirements of the TMDL. For a facility with TMDL requirements OWPCA will work with the Regional Office to develop specific language to be used in the transmittal letter for permit coverage.

## **7. Termination of Coverage and Change of Ownership**

If an owner requests termination of coverage under the general permit the regional office can terminate coverage under regional letterhead. Prior to terminating permit coverage, it is



recommended that an inspection be conducted to ensure that a permit is no longer needed, and that any compliance issues have been adequately resolved.

If there is a request for change of ownership, then the new owner assumes the coverage under the general permit and the permit number does not change. The new owner may submit a new registration statement, but it is not required. Part III of the permit allows for automatic transfer of ownership if the 30-day prior notice and the required written agreement between the new and the old owners are provided. The other change of ownership requirements and procedures in the VPDES Permit Regulation and VPDES Permit Manual that are common to all VPDES permits apply to this general permit as well. Any change of status should be noted in CEDS.

## **8. Compliance Reporting**

DMRs are due on the tenth of January, April, July and October for quarterly reporting; and the tenth of January of each year for annual reporting. Under this reissued general permit the initial annual DMRs are due by January 10, 2010. DMR(s) submitted by permittees to meet the 2009 DMR annual reporting requirements under the Nonmetallic Mineral Mining general permit that expired June 30, 2009 may also be used to meet the 2009 DMR annual reporting requirements under this reissued general permit.

Tracking of compliance with the effluent limits and other requirements of the permit should be done according to the established Compliance Auditing System. Reporting requirements for noncompliance, unusual or extraordinary discharges, etc. are the same as for individual permits.

Every storm water outfall will be issued an individual DMR. The DMR for each storm water outfall also lists all the substantially identical discharges that may be represented by the submittal of a single DMR for the required reporting period. To meet the annual reporting requirement for outfalls with substantially identical discharges, the permittee is only required to submit the DMR for a sampled storm water outfall. For the sampled outfall enter all monitoring information (including flow) into CEDS. For the substantially identical outfalls enter all monitoring information listed on the submitted DMR except for flow into CEDS. The flow for the substantially identical discharges should be entered in to CEDS as “Not Required” (NR).

## **9. Inspection of Facility Covered**

Facilities covered under this general permit are subject to the requirements for the industrial minor/small category of facilities as set forth in DEQ’s inspection strategy. As such, they should be inspected at least once every five years. More frequent inspections can help prevent compliance problems and each regional office should consider more frequent inspections as time and resources allow. The inspections should verify proper operation and maintenance of each unit process and implementation of the SWPPP. The following items should be reviewed during site inspection:

- a. Verify the discharge points, either to MS4s or directly to surface waters,
- b. Verify that no solids have entered surface waters,
- c. If applicable, verify type and location of onsite vehicle/equipment maintenance activities, reuse of wastewater for dust suppression and reuse of mine dewater process wastewater for agricultural use,

- d. Note if vehicle washing using detergents or steam cleaning is not being discharged through the process wastewater outfall,
- e. Note if oil sheen is present in settling basins or in state waters, and
- f. Take pictures whenever possible if concerns are noted.

For storm water associated with industrial activity which does not combine with other wastewaters prior to discharge, the permit requires facilities to evaluate if changes to the SWPPP are necessary when Part I.A.3 results of the TSS monitoring exceed 100 mg/l. The permittee is also required to perform an inspection and maintain documentation as described in Part II.H.3.d for that outfall. Any deficiencies noted during the permittee's inspection shall be corrected in a timely manner.

The requirement for a quarterly visual assessment does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water.

Occasionally during an inspection a new outfall is found that was not previously reported. Please see additional guidance on under item 12 below.

## **10. Record Keeping and Audit**

Tracking of coverage under this general permit will be in CEDS. It is important that CEDS is kept updated with relevant information pertaining to the general permit, and this information is subject to audit. Database information must include, but is not limited to, facilities registered under the permit, permittees, contact information and permit numbers.

The file of record must be maintained in the DEQ FileNet system. Electronic files that must be retained and are subject to audit include, but are not limited to, the following:

- a. Registration statement and information required by the registration statement;
- b. A record of the evaluation of substantially identical outfalls used to determine representative outfalls for submittal of a single DMR for the reporting period.
- c. The general permit and DMR(s) sent to the permittee;
- d. Inspection reports related to the permit.

## **11. Monitoring Data Review at Reissuance**

Evaluation of collected data will be performed prior to the next round of general permit reissuance. The regional office should ensure that all relevant monitoring records are maintained and data entered into CEDS. The DMR data and any proposed limitations as a result of such evaluation should be brought to the Technical Advisory Committee for its consideration.

## **12. General Permit Limits and Special Conditions Guidance**

### Significant Digits

At least two significant digits are required for all parameters with monitoring in the permit. Regardless of the rounding convention used (i.e., 5 always rounding up or to the nearest even number) consistent use of chosen convention by both the permittee and the commercial laboratory is required.

### Total Petroleum Hydrocarbons (TPH)

TPH monitoring is required for process wastewater and commingled storm water associated with industrial activity where the outfall discharge includes vehicle/equipment washing facilities or discharges that pass through oil/water separators. Total Petroleum Hydrocarbons should be analyzed using the Wisconsin Department of Natural Resources Modified Diesel Range Organics Method as specified in Wisconsin publication SW-141 (1995), or by EPA SW-846 Method 8015C for diesel range organics, or by EPA SW-846 Method 8270D. If Method 8270D is used, the lab must report the combination of diesel range organics and polynuclear aromatic hydrocarbons.

### Storm Water Sampling

Part I.A.3 requires that all samples taken to meet the storm water monitoring requirements be collected on a storm event that results in an actual discharge (defined as a “measurable storm event”) that follows the preceding measurable storm event by at least 72 hours (3 days). The 72-hour (3-day) storm interval does not apply if the permittee is able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. The grab sample shall be taken during the first 30 minutes of the storm water discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the permittee shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable.

Part I.A.3. also establishes that for snowmelt or a discharge from a storm water settling lagoon, a representative sample shall be taken at the time the discharge occurs. This language allows representative sampling for snowmelt or a discharge from a storm water settling lagoon (structure) at times other than a measurable storm event.

### Storm Water TSS Evaluation

The permittee is required to evaluate if changes to the SWPPP are necessary when Part I.A.3 storm water monitoring results of the TSS monitoring exceed 100 mg/l. The permittee is also required to perform an inspection and maintain documentation as described in Part II.H.3.d for outfalls that exceed the evaluation value of 100mg/l. Any deficiencies noted during the permittee’s inspection shall be corrected in a timely manner.

### Vehicle/Equipment Washing

Vehicle/equipment washing is now defined as the washing with detergents or steam cleaning of engines and other drive components in which the purpose is to clean and degrease the equipment for maintenance and other purposes. The application of water without detergent to a vehicle exterior for the purpose of removing sediment is excluded from the definition. This definition was added to clarify that the rinsing of vehicles without detergents to remove sediments is not process wastewater and may occur anywhere at the facility.

### Process Wastewater for Dust Suppression and Agricultural Use

Process wastewater may be used on site for the purpose of dust suppression provided that ponding or direct runoff from the site does not occur during or immediately following the application. Best management practice is required to use process wastewater to suppress dust. Dust suppression is not to be used as a waste wastewater disposal method.

Process wastewater from mine dewatering may be provided to local property owners for beneficial agricultural use.

#### Storm Water Pollution Prevention Plan (SWPPP)

If a SWPPP that references other plans or documents does not contain all of the required elements of the SWPPP of Part II.H, the permittee must develop the missing plan elements and include them in the required SWPPP. If the SWPPP has missing plan elements, then these missing plan elements should be included as expeditiously as practicable.

#### Finding and Adding New Outfalls for Coverage under Part I.A

Have the permittee submit updated information on the outfall along with a plat showing the outfall location, which can be appended to the original registration statement. Follow CEDS guidance for the Nonmetallic Mineral Mining general permit module for procedures to add the new outfall.

Prepare a transmittal letter for modified coverage and send a revised or new limits page and DMR, as appropriate, to the permittee.

#### **Attachments:**

- A. General Permit Regulation
- B. Fact Sheet
- C. Registration Statement and Instructions
- D. General Permit Pages
- E. Example Registration Statement Transmittal Letter
- F. Example Transmittal Letter for General Permit Issuance

# **ATTACHMENT A**

## **General VPDES Permit Regulation**

# **9VAC25-190 - VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) GENERAL PERMIT REGULATION FOR NONMETALLIC MINERAL MINING**

## **9VAC25-190-10. Definitions.**

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia and the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31-10 et seq.) unless the context clearly indicates otherwise. Additionally, for the purposes of this chapter:

"Colocated facility" means an industrial activity other than mineral mining operating on a site where the primary industrial activity is mineral mining. Such an activity must have wastewater characteristics similar to those of the mineral mine and be located within the permitted mining area. The term refers to activities that are commonly found at mining sites such as manufacturing of ready-mix concrete (SIC Code 3273), concrete products (SIC Codes 3271 and 3272), and asphalt paving materials (SIC Code 2951) except asphalt emulsion manufacturing. It does not mean industrial activity that is specifically excluded from this permit.

"Industrial activity" means activity associated with mineral mining facilities generally identified by SIC Major Group 14 including active or inactive mining operations that discharge storm water that has come into contact with any overburden, raw material, intermediate products, finished products, by-products or waste products located on the site of such operations. (Inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.) Industrial activity also includes facilities classified under other SIC codes that may be colocated within the mineral mine permit area, unless they are expressly excluded by this general permit.

"Permittee" means the owner of a nonmetallic mineral mine covered under this general permit.

"Process wastewater" means any wastewater used in the slurry transport of mined material, air emissions control, or processing exclusive of mining, and any other water that becomes commingled with such wastewater in a pit, pond, lagoon, mine, or other facility used for treatment of such wastewater. It includes mine pit dewatering, water used in the process of washing stone, noncontact cooling water, wastewater from vehicle/equipment washing activities, return water from operations where mined material is dredged and miscellaneous plant cleanup wastewaters.

"Run-off coefficient" means the fraction of total rainfall that will appear at the conveyance as run-off.

"SIC" means the Standard Industrial Classification Code or Industrial Grouping from the U.S. Office of Management and Budget Standard Industrial Classification Manual, 1987 Edition.

"Significant materials" includes, but is not limited to, raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 USC § 9601 et seq.); any chemical the owner is required to report pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (42 USC § 11001 et seq.); fertilizers; pesticides; and waste products such as ashes, slag and sludge (including pond sediments) that have the potential to be released with storm water discharges.

"Storm water" means storm water run-off, snow melt run-off, and surface run-off and drainage.

"Storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the VPDES program under 9VAC25-31. For the categories of industries identified in the "industrial activity" definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the mineral mine; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas.

"Vehicle/equipment washing" means the washing with detergents or steam cleaning of engines and other drive components in which the purpose is to clean and degrease the equipment for maintenance and other purposes. The application of water without detergent to a vehicle exterior for the purpose of removing sediment is excluded.

**9VAC25-190-20. Purpose; delegation of authority; effective date of permit.**

A. The purpose of this chapter is to establish General Permit Number VAG84 to regulate wastewater discharge from nonmetallic mineral mines as follows:

1. For active and inactive nonmetallic mineral mining facilities in SIC Major Group 14, this general permit covers discharges composed entirely of storm water associated with industrial activity.
2. This general permit authorizes the discharge of process wastewater as well as storm water associated with industrial activity from active and inactive mineral mines classified under Standard Industrial Classification Codes 1411, 1422, 1423, 1429, 1442, 1455, 1459 excluding bentonite and magnesite mines, 1475, and 1499 excluding gypsum, graphite, asbestos, diatomite, jade, novaculite, wollastonite, tripoli or asphaltic mineral mines.
3. Coal mining, metal mining, and oil and gas extraction are not covered by this general permit.

B. The director, or an authorized representative, may perform any act of the board provided under this chapter, except as limited by § 62.1-44.14 of the Code of Virginia.

C. This general permit will become effective on July 1, 2009, and will expire five years after the effective date. For any covered owner, this general permit is effective upon compliance with all the provisions of 9VAC25-190-50 and the receipt of this general permit.

**9VAC25-190-50. Authorization to discharge.**

A. Any owner governed by this general permit is authorized by this to discharge to surface waters of the Commonwealth of Virginia provided that the owner files a registration statement as described in 9VAC25-190-60 that is accepted by the board, files the required permit fee, complies with the effluent limitations and other requirements of 9VAC25-190-70, and provided that:

1. The owner shall not have been required to obtain an individual permit as may be required in the VPDES permit regulation (9VAC25-31).
2. The owner shall not be authorized by this general permit to discharge to state waters specifically named in other board regulations or policies which prohibit such discharges.
3. The owner shall have a mineral mining permit for the operation to be covered by this general permit which has been approved by the Virginia Department of Mines, Minerals and Energy, Division of Mineral Mining (or associated waived program, locality or state agency) under provisions and requirements of Title 45.1 of the Code of Virginia. Mineral mines located in bordering states with discharges in Virginia shall provide documentation that they have a mining permit from the appropriate state authority. Mineral mines owned and operated by governmental bodies not subject to the provisions and requirements of Title 45.1 of the Code of Virginia are exempt from this requirement.
4. The owner shall implement pollution control measures necessary to comply with the conditions and limitations of this general permit including, but not limited to, the installation, operation and maintenance of sediment control structures.
5. The owner shall not be authorized by this general permit to discharge to waters for which a "total maximum daily load" (TMDL) allocation has been established by the board and approved by EPA prior to the term of this permit, unless the owner develops, implements and maintains a storm water pollution prevention plan (SWPPP) that is consistent with the assumptions and requirements of the TMDL. This only applies where the facility is a source of the TMDL pollutant of concern.

B. The board shall deny coverage under this general permit to any owner with discharge or storm water discharge-related activities which the board determines cause, may reasonably be expected to cause, or may be contributing to a violation of water quality standards, including discharges or discharge-related activities that are likely to adversely affect aquatic life.

C. Receipt of this general permit does not relieve any owner of the responsibility to comply with any other federal, state or local statute, ordinance or regulation.

#### **9VAC25-190-60. Registration statement.**

The owner shall file a complete general VPDES permit registration statement, which will serve as a notice of intent for coverage under the general permit for nonmetallic mineral mining. Any owner proposing a new discharge shall file the registration statement at least 30 days prior to the date planned for operation of the mineral mine. Any owner of an existing mineral mine covered by an individual VPDES permit who is proposing to be covered by this general permit shall file the registration statement at least 180 days prior to the expiration date of the individual VPDES permit. Any owner of an existing mineral mine covered by the general VPDES permit for nonmetallic mineral mining that became effective on June 30, 1999, who wishes to remain covered by this general permit shall file a new registration statement in accordance with the general permit requirements in order to avoid a lapse in coverage. Any owner of an existing mineral mine not currently covered by a VPDES permit who is proposing to be covered by this general permit shall file the registration statement. The required registration statement shall contain the following information:

1. Facility name, owner, mailing address, email address and telephone number;
2. Project name, county, location, latitude and longitude;
3. Description of mining activity;
4. Primary and secondary SIC codes;
5. Discharge information including:
  - a. A list of outfalls identified by outfall numbers;



- b. Characterization of the type of each listed outfall's discharge as either process wastewater, storm water, or process wastewater commingled with storm water;
  - c. Characterization of the source of each listed outfall's discharge as either mine pit dewatering, storm water associated with industrial activity (see definition in 9VAC25-115-10), storm water not associated with industrial activity, ground water infiltration, wastewater from vehicle and/or equipment washing activities, mined material washing, noncontact cooling water, miscellaneous plant cleanup wastewater, colocated facility discharges (identify the colocated facility), other discharges not listed here (describe), or any combination of the above;
  - d. The receiving stream, including wetlands for each outfall listed;
  - e. The latitude and longitude for each outfall listed; and
  - f. Indicate which storm water outfalls will be representative outfalls that require a single Discharge Monitoring Report (DMR). For storm water outfalls that are to be represented by other outfall discharges, provide a description of the activities associated with those outfalls and explain why they are substantially the same as the representative outfall to be sampled;
- 6. Indicate if the facility has a current VPDES permit and the permit number if it does;
  - 7. Description of wastewater treatment or reuse/recycle systems or both;
  - 8. List of any chemicals added to water that could be discharged;
  - 9. List of colocated facilities;
  - 10. Indicate if the facility is a hazardous waste treatment, storage or disposal facility;
  - 11. Schematic drawing showing water flow from source to water-using industrial operations to waste treatment and disposal, and disposal of any solids removed from wastewater;
  - 12. Aerial photo or scale map that clearly shows the property boundaries, plant site, drainage areas associated with each outfall, locations of all mine pit dewatering, existing, significant sources of materials exposed to precipitation, storm water or process wastewater outfalls and the receiving streams;
  - 13. Evidence that the operation to be covered by this general permit has a mining permit that has been approved by the Virginia Department of Mines, Minerals and Energy, Division of Mineral Mining (or associated waived program) under the provisions and requirements of Title 45.1 of the Code of Virginia (or appropriate bordering state authorization). Mineral mines owned and operated by governmental bodies not subject to the provisions and requirements of Title 45.1 of the Code of Virginia are exempt from this requirement;
  - 14. Mining permit number;
  - 15. Indicate if the facility discharge storm water into a Municipal Separate Storm Sewer System (MS4). If yes, state the name of the MS4 operator.
  - 16. The owner shall not be authorized by this general permit unless the discharge complies with Virginia's antidegradation policy in the Water Quality Standards at 9VAC25-260-30. The department will notify the applicant if authorization to discharge under this general permit will not comply with the antidegradation requirements set forth in 9VAC25-260-30.
  - 17. The following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly

responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

The registration statement shall be signed in accordance with 9VAC25-31-110.

**9VAC25-190-65. Termination of permit coverage.**

A. The owner may terminate coverage under this general permit by filing a complete notice of termination. The notice of termination may be filed after one or more of the following conditions have been met:

1. Operations have ceased at the facility and there are no longer discharges of storm water associated with industrial activity from the facility.
2. A new owner has assumed responsibility for the facility (NOTE: A notice of termination does not have to be submitted if a VPDES Change of Ownership Agreement form has been submitted); or
3. All storm water discharges associated with industrial activity have been covered by an individual VPDES permit.

B. The notice of termination shall contain the following information:

1. Owner's name, mailing address and telephone number;
2. Facility name and location;
3. VPDES Industrial storm water general permit number;
4. The basis for submitting the notice of termination, including:
  - a. A statement indicating that a new owner has assumed responsibility for the facility;
  - b. A statement indicating that operations have ceased at the facility and there are no longer discharges of storm water associated with industrial activity from the facility;
  - c. A statement indicating that all storm water discharges associated with industrial activity have been covered by an individual VPDES permit; or
  - d. A statement indicating that termination of coverage is being requested for another reason (state the reason).
5. The following certification: "I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by this VPDES general permit have been eliminated, or covered under a VPDES individual permit, or that I am no longer the owner of the industrial activity, or permit coverage should be terminated for another reason listed above. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water associated with industrial activity in accordance with the general permit, and that discharging pollutants in storm water associated with industrial activity to surface waters is unlawful where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this notice of termination does not release an owner from liability for any violations of this permit or the Clean Water Act."

C. The notice of termination shall be signed in accordance with 9VAC25-190-70, Part III K.

D. Where to submit. The notice of termination shall be submitted to the DEQ regional office serving the area where the industrial facility is located.

## 9VAC25-190-70. General permit.

Any owner whose registration statement is accepted by the board will receive the following permit and shall comply with the requirements in it and be subject to all requirements of the VPDES permit regulation, 9VAC25-31-10 et seq.

General Permit No.: VAG84

Effective date: July 1, 2009

Expiration date: June 30, 2014

### GENERAL PERMIT FOR NONMETALLIC MINERAL MINING

#### AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant to it, owners of nonmetallic mineral mines are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in board regulations or policies which prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I—Effluent Limitations and Monitoring Requirements, Part II—Storm Water Management, and Part III—Conditions Applicable to All VPDES Permits, as set forth herein.

#### Part I

#### Effluent Limitations and Monitoring Requirements

##### A. Effluent limitations and monitoring requirements.

1. During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge process wastewater and commingled storm water associated with industrial activity from outfall(s).

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
	Monthly Average	Daily Minimum	Daily Maximum	Frequency <sup>(3)</sup>	Sample Type
Flow (MGD)	NL	NA	NL	1/3 Months	Estimate
Total Suspended Solids (mg/l)	30	NA	60	1/3 Months	Grab
pH (standard units)	NA	6.0 <sup>(1)</sup>	9.0 <sup>(1)</sup>	1/3 Months	Grab
Total Petroleum Hydrocarbons (mg/l) <sup>(2)</sup>	NA	NA	NL	1/3 Months	Grab

NL = No Limitation, monitoring required

NA = Not Applicable

<sup>(1)</sup>Where the Water Quality Standards (9VAC25-260) establish alternate standards for pH, pH effluent limits may be adjusted within the 6 to 9 S.U. range.

<sup>(2)</sup>Monitoring for Total Petroleum Hydrocarbons is only required for outfalls from vehicle/equipment washing facilities or from discharges that pass through oil/water separators.

<sup>(3)</sup>Discharge Monitoring Reports (DMRs) of quarterly monitoring shall be submitted to the DEQ regional office no later than the 10<sup>th</sup> day of April, July, October, and January.

2. There shall be no discharge of floating solids or visible foam in other than trace amounts.

3. During the period beginning with the permittee's coverage under the general permit and lasting until the permit's expiration date, the permittee is authorized to discharge storm water associated with industrial activity which does not combine with other wastewaters prior to discharge from outfall(s).

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
	Monthly Average	Daily Minimum	Daily Maximum	Frequency <sup>(2)</sup>	Sample Type
Flow (MG)	NA	NA	NL	1/Year	Estimate <sup>(1)</sup>
Total Suspended Solids (mg/l)	NA	NA	NL <sup>(3)</sup>	1/Year	Grab
pH (standard units)	NA	NL	NL	1/Year	Grab

NL = No Limitation, monitoring required

NA = Not applicable

<sup>(1)</sup>Estimate of the total volume of the discharge during the storm event.

<sup>(2)</sup>Discharge Monitoring Reports (DMRs) of yearly monitoring (January 1 to December 31) shall be submitted to the DEQ regional office no later than the 10th day of January.

<sup>(3)</sup>Refer to Part I B 13 should the TSS evaluation monitoring exceed 100 mg/l daily maximum.

4. All samples taken to meet the monitoring requirements specified above in Part I A 3 shall be collected on a storm event that results in an actual discharge (defined as a "measurable storm event") that follows the preceding measurable storm event by at least 72 hours (3 days). The 72-hour (3-day) storm interval does not apply if the permittee is able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. The grab sample shall be taken during the first 30 minutes of the storm water discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the permittee shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. In the case of snowmelt or a discharge from a storm water settling lagoon, a representative sample shall be taken at the time the discharge occurs.

#### B. Special conditions.

1. Vehicles and equipment utilized during the industrial activity on a site must be operated and maintained in such a manner as to prevent the potential or actual point source pollution of the surface or groundwaters of the state. Fuels, lubricants, coolants, and hydraulic fluids, or any other petroleum products, shall not be disposed of by discharging on the ground or into surface waters. Spent fluids shall be disposed of in a manner so as not to enter the surface or groundwaters of the state and in accordance with the applicable state and federal disposal regulations. Any spilled fluids shall be cleaned up to the maximum extent practicable and disposed of in a manner so as not to allow their entry into the surface or groundwaters of the state.

2. No sewage shall be discharged from this mineral mining activity except under the provisions of another VPDES permit specifically issued for that purpose.

3. There shall be no chemicals added to the discharge, other than those listed on the owner's approved registration statement.

4. The permittee shall submit a new registration statement if the mining permit approved by the Division of Mineral Mining (or associated waived program, or bordering state mine authority) is modified or reissued in any way that would affect the outfall location or the characteristics of a discharge covered by this general permit. Government owned and operated mines without mining permits shall submit the registration statement whenever outfall location or characteristics are altered. The new registration statement shall be filed within 30 days of the outfall relocation or change in the characteristics of the discharge.

5. The permittee shall notify the department as soon as they know or have reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

(1) One hundred micrograms per liter (100 µg/l);

(2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(3) Five times the maximum concentration value reported for that pollutant in the permit application; or

(4) The level established by the board.

b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

(1) Five hundred micrograms per liter (500 µg/l);

(2) One milligram per liter (1 mg/l) for antimony;

(3) Ten times the maximum concentration value reported for that pollutant in the permit application; or

(4) The level established by the board.

6. This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation or prohibition for a pollutant which is promulgated or approved under § 307(a)(2) of the federal Clean Water Act, if the effluent standard or limitation so issued or approved:

a. Is more stringent than any effluent limitation on the pollutant already in the permit; or

b. Controls any pollutant not limited in the permit.

7. Except as expressly authorized by this permit, no product, materials, industrial wastes, or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of, or stored so as to permit a discharge of such product, materials, industrial wastes, or other wastes to state waters.

8. There shall be no discharge of process wastewater pollutants from colocated asphalt paving materials operations. For the purposes of this special condition, process wastewater pollutants are any pollutants present in water used in asphalt paving materials manufacturing which come into direct contact with any raw materials, intermediate product, by-product or product related to the asphalt paving materials manufacturing process.

9. Process water may be used on site for the purpose of dust suppression. Dust suppression shall be carried out as a best management practice but not as a wastewater

disposal method provided that ponding or direct runoff from the site does not occur during or immediately following its application.

10. Process water from mine dewatering may be provided to local property owners for beneficial agricultural use.

11. Vehicle/equipment washing shall include washing with detergents or steam cleaning of engines and other drive components in which the purpose is to clean and decrease the equipment for maintenance and other purposes. The application of water without detergent to a vehicle exterior for the purpose of removing is excluded.

12. The permittee shall report at least two significant digits for a given parameter. Regardless of the rounding convention used (i.e., 5 always rounding up or to the nearest even number) by the permittee, the permittee shall use the convention consistently and shall ensure that consulting laboratories employed by the permittee use the same convention.

13. Storm Water Monitoring Total Suspended Solids (TSS) Evaluation. Permittees that monitor storm water associated with industrial activity which does not combine with other wastewaters prior to discharge shall review the results of the TSS monitoring required by Part I A 3 to determine if changes to the Storm Water Pollution Prevention Plan (SWPPP) may be necessary. If the TSS monitoring results are greater than the evaluation value of 100 mg/l, then the permittee shall perform the inspection and maintain documentation as described in Part II H 3 d for that outfall. Any deficiencies noted during the inspection shall be corrected in a timely manner.

14. Discharges to waters subject to TMDL waste load allocations. Facilities that are a source of the specified pollutant of concern to waters for which a "total maximum daily load" (TMDL) waste load allocation has been established by the board and approved by EPA prior to the term of this permit shall incorporate measures and controls into the SWPPP required by Part II that are consistent with the assumptions and requirements of the TMDL. The department will provide written notification to the owner that a facility is subject to the TMDL requirements. If the TMDL establishes a numeric wasteload allocation that applies to discharges from the facility, the owner shall perform any required monitoring in accordance with Part I A and implement measures necessary to meet that allocation.

15. There shall be no discharge or storm water discharge-related activities which cause or contribute to a violation of water quality standards or that adversely affect aquatic life.

## Part II Storm Water Management

### A. Recording of results.

1. Additional information. In addition to any reporting requirements of Part III, for each measurement or sample taken pursuant to the storm event monitoring requirements of this permit, the permittee shall record and report with the discharge monitoring report the following information:

- a. The date and duration (in hours) of the storm events sampled; and
- b. The rainfall measurements or estimates (in inches) of the storm event which generated the sampled discharge.

2. Additional reporting. In addition to filing copies of discharge monitoring reports in accordance with Part III, permittees with at least one storm water discharge associated with industrial activity through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more) or a municipal system designated by the board must submit signed copies of discharge monitoring reports to the operator of the municipal separate storm sewer system at the same time.

B. Representative discharge. When a facility has two or more exclusively storm water outfalls that the permittee reasonably believes discharge substantially identical effluents, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfalls, then the permittee may submit information with the registration statement substantiating the request for only one DMR to be issued for the outfall to be sampled that represents one or more substantially identical outfalls. Also the permittee may list on the discharge monitoring report of the outfall to be sampled all outfall locations that are represented by the discharge.

C. Sampling waiver.

1. Adverse conditions. When a permittee is unable to collect samples within a specified sampling period due to adverse climatic conditions, the permittee shall collect a substitute sample from a separate qualifying event in the next period and submit these data along with the data for the routine sampling in that period. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

2. Inactive and unstaffed facilities. When a permittee is unable to conduct the storm water sampling required at an inactive and unstaffed facility, the permittee may exercise a waiver of the monitoring requirements as long as the facility remains inactive and unstaffed. The permittee must submit to the department, in lieu of monitoring data, a certification statement on the discharge monitoring report stating that the facility is inactive and unstaffed so that collecting a sample during a qualifying event is not possible. The requirement for a quarterly visual assessment does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater.

D. Storm water pollution prevention plans. A storm water pollution prevention plan shall be developed for each facility covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

The storm water pollution prevention plan requirements of this general permit may be fulfilled by incorporating by reference other plans or documents such as an erosion and sediment control plan, a mine drainage plan as required by the Virginia Division of Mineral Mining, a spill prevention control and countermeasure (SPCC) plan developed for the facility under § 311 of the federal Clean Water Act or best management practices (BMP) programs otherwise required for the facility provided that the incorporated plan meets or exceeds the plan requirements of Part II H. If an erosion and sediment control plan is being incorporated by reference, it shall have been approved by the locality in which the activity is to occur or by another appropriate plan-approving authority authorized under the Virginia Erosion and Sediment Control Regulations, 4VAC50-30. All plans incorporated by reference into the storm water pollution prevention plan become enforceable under this permit. If a plan incorporated by reference does not contain all of the required elements of the storm water pollution prevention plan of Part II H, the permittee must develop the missing plan elements and include them in the required storm water pollution prevention plan.

E. Deadlines for plan preparation and compliance.

1. Existing facilities and new facilities that begin operation on or before July 1, 2009, shall prepare and implement a plan incorporating the storm water pollution prevention plan requirements of this permit, if not included in an existing plan, as expeditiously as practicable, but not later than July 1, 2010. Existing storm water pollution prevention plans being implemented as of July 1, 2009 shall continue to be implemented until a new plan is developed and implemented.

2. Facilities that begin operation after July 1, 2009, shall prepare and implement a plan incorporating the requirements of this permit prior to submitting the registration statement.

F. Signature and plan review.

1. The plan shall be signed in accordance with Part III K (signatory requirements), and be retained on-site at the facility covered by this permit in accordance with Part III B (records) of this permit. When there are no on-site buildings or offices in which to store the plan, it shall be kept at the nearest company office.

2. The permittee shall make the storm water pollution prevention plan, annual site compliance inspection report, or other information available to the department upon request.

3. The director, or an authorized representative, may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this part. Within 60 days of such notification from the director, or as otherwise provided by the director, or an authorized representative, the permittee shall make the required changes to the plan and shall submit to the department a written certification that the requested changes have been made.

G. Keeping plans current. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the state or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part II H 2 (description of potential pollutant sources) of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. New owners shall review the existing plan and make appropriate changes. Amendments to the plan may be reviewed by the department in the same manner as described in Part II F.

H. Contents of plan. The plan shall include, at a minimum, the following items:

1. Pollution prevention team. Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water pollution prevention team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

2. Description of potential pollutant sources. Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each plan shall include, at a minimum:

a. Drainage.

(1) A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control



measure to reduce pollutants in storm water run-off, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part II H 2 c (spills and leaks) of this permit have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes and wastewaters, liquid storage tanks, processing areas and storage areas. The map must indicate all outfall locations. The types of discharges contained in the drainage areas of the outfalls must be indicated either on the map or in an attached narrative.

(2) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity. Factors to consider include the toxicity of the chemicals; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

b. Inventory of exposed materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of coverage under this general permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water run-off between the time of three years prior to the date of coverage under this general permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water run-off; and a description of any treatment the storm water receives.

c. Spills and leaks. A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of three years prior to the date of coverage under this general permit. Such list shall be updated as appropriate during the term of the permit.

d. Sampling data. A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

e. Risk identification and summary of potential pollutant sources. A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concern shall be identified.

3. Measures and controls. Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

a. Good housekeeping. Good housekeeping requires the maintenance of areas which may contribute pollutants to storm water discharges in a clean, orderly manner. The plan shall describe procedures performed to minimize contact of materials with storm water run-off. Particular attention should be paid to areas where raw materials are stockpiled, material handling areas, storage areas, liquid storage tanks, and loading/unloading areas.

b. Preventive maintenance. A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems. The maintenance program shall require periodic removal of debris from discharge diversions and conveyance systems. Permittees using settling basins to control their effluents must provide maintenance schedules for such basins in the pollution prevention plan.

c. Spill prevention and response procedures. Areas where potential spills which can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.

d. Inspections. Facility personnel who are familiar with the mining activity, the best management practices and the storm water pollution prevention plan shall be identified to inspect material storage and handling areas, liquid storage tanks, hoppers or silos, vehicle and equipment maintenance areas, cleaning and fueling areas, material handling vehicles and designated equipment and processing areas of the facility; to inspect best management practices; and to conduct visual examinations of storm water associated with industrial activity. The inspection frequency shall be specified in the plan based upon a consideration of the level of industrial activity at the facility, but shall be a minimum of quarterly. Inspections of best management practices shall include inspection of storm water discharge diversions, conveyance systems, sediment control and collection systems, containment structures, vegetation, serrated slopes, and benched slopes to determine their effectiveness, the integrity of control structures, if soil erosion has occurred, or if there is evidence of actual or potential discharge of contaminated storm water. Visual examinations of storm water discharges associated with industrial activity shall include examination of storm water samples representative of storm event discharges from the facility and observation of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. Site inspection, best management practices inspection and visual examination results must be documented and maintained on-site with the facility pollution prevention plan. Documentation for visual examinations of storm water shall include the examination date and time, examination personnel, outfall location, the nature of the discharge, visual quality of the storm water discharge and probable sources of any observed storm water contamination. Part II B regarding representative discharges and Part II C regarding sampling waivers shall apply to the taking of samples for visual examination except that (i) the documentation required by these sections shall be retained with the storm water pollution prevention plan visual examination records rather than submitted to the department, and (ii) substitute sampling for waived sampling is not required if the proper documentation is maintained. A set of tracking or followup

procedures shall be used to ensure that appropriate actions are taken in response to the inspections.

e. Employee training. Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.

f. Recordkeeping and internal reporting procedures. A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan. Ineffective best management practices must be recorded and the date of their corrective action noted.

g. Sediment and erosion control. The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, or stabilization measures to be used to limit erosion. Permittees must indicate the location and design for proposed best management practices to be implemented prior to land disturbance activities. For sites already disturbed but without best management practices, the permittee must indicate the location and design of best management practices that will be implemented. The permittee is required to indicate plans for grading, contouring, stabilization, and establishment of vegetative cover for all disturbed areas, including road banks.

h. Management of run-off. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or sources of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water run-off in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (see Part II H 2 (description of potential pollutant sources) of this permit) shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

4. Comprehensive site compliance evaluation. Facility personnel who are familiar with the mining activity, the best management practices and the storm water pollution prevention plan shall conduct site compliance evaluations at appropriate intervals specified in the plan, but in no case less than once a year for active sites. When annual compliance evaluations are shown in the plan to be impractical for inactive mining sites due to remote location and inaccessibility, site evaluations must be conducted at least once every three years. Such evaluations shall include the following:

a. Areas contributing to a storm water discharge associated with industrial activity, including material storage and handling areas; liquid storage tanks; hoppers or silos; vehicle and equipment maintenance, cleaning, and fueling areas; material handling vehicles; equipment and processing areas; and areas where aggregate is stockpiled outdoors, shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with

the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

b. Based on the results of the evaluation, the description of potential pollutant sources identified in the plan in accordance with Part II H 2 (description of potential pollutant sources) of this permit and pollution prevention measures and controls identified in the plan in accordance with Part II H 3 (measures and controls) of this permit shall be revised as appropriate within 14 days of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 90 days after the inspection.

c. A report summarizing the scope of the inspection, personnel making the inspection, the dates of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with Part II H 4 b of this permit shall be made and retained as required in Part III B (records). The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part III K (signatory requirements) of this permit and retained as required in Part III B.

d. Where compliance evaluation schedules overlap with inspections required under Part II H 3 d (inspections), the compliance evaluation may be conducted in place of one such inspection.

### Part III Conditions Applicable To All VPDES Permits

#### A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.

#### B. Records.

1. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) and time(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of

at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least three years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the board.

C. Reporting monitoring results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the department's regional office.
2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the department.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the department.
4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information which the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the department, upon request, copies of records required to be kept by this permit.

E. Compliance schedule reports. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized discharges. Except in compliance with this permit or another permit issued by the board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part III F (unauthorized discharges); or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part III F, shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the

unauthorized discharge shall be submitted to the department within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part III I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of noncompliance. The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this subdivision:

- a. Any unanticipated bypass; and
- b. Any upset which causes a discharge to surface waters.

2. A written report shall be submitted within five days and shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The board may waive the written report on a case-by-case basis for reports of noncompliance under Part III I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts III I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part III I 2.

NOTE: The immediate (within 24 hours) reports required in Parts III G, H and I may be made to the department's regional office. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of planned changes.

1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under §306 of the federal Clean Water Act which are applicable to such source; or

(2) After proposal of standards of performance in accordance with §306 of the federal Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with §306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory requirements.

1. Registration statement. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application

requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) the chief executive officer of the agency or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the board, shall be signed by a person described in Part III K 1 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part III K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

c. The written authorization is submitted to the department.

3. Changes to authorization. If an authorization under Part III K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part III K 2 shall be submitted to the department prior to or together with any reports or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts III K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to comply. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the federal Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the federal Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under §307(a) of the federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under § 405(d) of the federal Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.



M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. Effect of a permit. This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights or any infringement of federal, state or local laws or regulations.

O. State law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to, any other state law or regulation or under authority preserved by §510 of the federal Clean Water Act. Except as provided in permit conditions on "bypass" (Part III U) and "upset" (Part III V), nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under §§62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges. Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

#### U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Parts III U 2 and U 3.

2. Notice.

- a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted if possible at least 10 days before the date of the bypass.

- b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part III I (reports of noncompliance).

3. Prohibition of bypass.

a. Bypass is prohibited, and the board may take enforcement action against a permittee for bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part III U 2.

b. The board may approve an anticipated bypass, after considering its adverse effects, if the board determines that it will meet the three conditions listed in Part III U 3 a.

#### V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of Part III V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

a. An upset occurred and that the permittee can identify the cause(s) of the upset;

b. The permitted facility was at the time being properly operated;

c. The permittee submitted notice of the upset as required in Part III I; and

d. The permittee complied with any remedial measures required under Part III S.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and entry. The permittee shall allow the director or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purposes of ensuring permit compliance or as otherwise authorized by the federal Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit actions. Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or

termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**Y. Transfer of permits.**

1. Permits are not transferable to any person except after notice to the department. Except as provided in Part III Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the federal Clean Water Act.

2. As an alternative to transfers under Part III Y 1, this permit may be automatically transferred to a new permittee if:

- a. The current permittee notifies the department at least 30 days in advance of the proposed transfer of the title to the facility or property;
- b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
- c. The board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2 b.

Z. Severability. The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

**FORMS (9VAC25-190)**

Department of Environmental Quality Water Division Permit Application Fee (rev. 1/08).

Local Government Ordinance Form (eff. 8/93).

Virginia Pollutant Discharge Elimination System General Permit Registration Statement - Nonmetallic Mineral Mining.

Virginia Pollutant Discharge Elimination System General Permit Notice of Termination for Nonmetallic Mineral Mining.

# **ATTACHMENT B**

## **Fact Sheet**

COMMONWEALTH OF VIRGINIA  
STATE WATER CONTROL BOARD

FACT SHEET

REISSUANCE OF A GENERAL VPDES PERMIT  
TO DISCHARGE TO STATE WATERS AND STATE  
CERTIFICATION UNDER THE STATE WATER CONTROL LAW

The State Water Control Board (Board) has under consideration the reissuance of a general VPDES permit for point source discharges from nonmetallic mineral mining facilities. This general permit will replace VAG84 which expires June 30, 2009. Owners covered under the expiring general permit, who wish to continue to discharge under a general permit, must register for coverage under the new general permit.

Permit Number: VAG84

Name of Permittee: Any owner of a qualifying nonmetallic mineral mining facility with point source discharges agreeing to be regulated under the terms of this general permit.

Facility Location: Commonwealth of Virginia

Receiving Waters: Surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in Board Regulations or Policies which prohibit such discharges.

On the basis of preliminary review and application of lawful standards and regulations, the Board proposes to reissue the general permit subject to certain conditions and has prepared a draft permit. The Board has determined that this category of discharges is appropriately controlled under a general permit as it involves facilities with the same or similar types of operations that discharge the same or similar types of wastes. The draft general permit requires that all covered facilities meet standardized effluent limitations, conditions and monitoring requirements and that all covered facilities develop a site-specific storm water pollution prevention plan.

Persons may comment in writing on the proposed reissuance of the general permit within 30 days from February 4, 2009. Comments should be addressed to the contact person listed below. Comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments. Only those comments received within this period will be considered by the Board.

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting George Cosby at:

Virginia Department of Environmental Quality  
P.O. Box 1105  
Richmond, Virginia 23218  
(804) 698-4067  
email: [gecosby@deq.virginia.gov](mailto:gecosby@deq.virginia.gov)

A public hearing will be held on this draft permit. Notice of the public hearing will be published in newspapers and in the Virginia Register. Following the public hearing comment period, the Water Control Board will make its determinations regarding the proposed reissuance.

I. Activities Covered by This General Permit:

The general permit will cover point source discharges associated with nonmetallic mineral mining operations classified in Standard Industrial Classification Major Group 14. The general permit will cover storm water discharges for all qualifying facilities within this major group that have storm water discharges only, and for specific SIC Codes it will also provide coverage for process wastewater. Some of the Major Group 14 SIC codes or specific mining activities are excluded from the processing wastewater coverage because the mining activities are subject to more stringent effluent limits under EPA effluent guidelines at 40 CFR Part 436. These facilities will require a separate, individual VPDES Permit for process wastewater.

Facilities for which process wastewater is covered are those classified under SIC Codes 1411, 1422, 1423, 1429, 1442, 1455, 1459 except bentonite and magnesite mines, 1475 and 1499 except gypsum, graphite, asbestos, diatomite, jade, novaculite, wollastonite, tripoli and asphaltic mineral mining operations.

This general permit does not cover coal mining, metal mining and oil and gas extraction.

Nonmetallic mineral mines may have other industrial activities co-located within the mine permit area. These activities involve further processing of the mined material and discharges associated with them have characteristics similar to those of the mining operation. If the mineral mine is the primary industrial activity on the site and the characteristics of the wastewater from co-located industrial activities are similar to those of the mineral mine, the co-located activity discharges are also regulated under the general permit.

No mineral mine will be covered under the general permit until a mineral mining permit has been issued by the Virginia Department of Mines, Minerals, and Energy, Division of Mineral Mining (DMM). In Virginia, mining activities which disturb the land surface and remove minerals at any site are required to have a mineral mining permit under the requirements of the Minerals Other Than Coal (MOTC) Surface Mining Law, Chapter 16, Title 45.1 of the Code of Virginia. The mineral mining permits are administered by DMM. The Surface Mining Law requires that no operator shall engage in mining without having first obtained from DMM an operating permit which covers the affected land. The exception to this requirement is for mineral mines owned and operated by governmental bodies, which are not required to have a mining permit, but will be eligible for coverage under the general permit provided they comply with all other requirements. Mineral mining permits require the implementation of an erosion and sedimentation control plan as an enforceable part of the permit. The mineral mining permit application also requires the applicant to provide an acceptable mine reclamation plan that provides for adequate measures to prevent erosion and sedimentation from the reclaimed site. The mining permit and its requirements for erosion and sedimentation control are administered and enforced in such a manner as to provide protection of water quality standards and existing uses in the receiving waters from pollution caused by eroding material from mining activities. These requirements in the mineral mining permit satisfy many of the storm water pollution prevention plan requirements of the general permit.

II. Proposed Effluent Limitations and Monitoring Requirements:

A. Discharge of commingled storm water runoff and process wastewater:

<u>Parameter</u>	<u>Limitation</u>
Flow	Report average and maximum
Total Suspended Solids	30 mg/l average, 60 mg/l maximum
pH	6.0 minimum, 9.0 maximum <sup>(1)</sup>
TPH <sup>(2)</sup>	Report maximum

<sup>(1)</sup> Where the Water Quality Standards establish alternate standards for pH, effluent limitations may be adjusted within the 6 to 9 range.

<sup>(2)</sup> Monitoring for Total Petroleum Hydrocarbons is required for outfalls from vehicle/equipment washing facilities or from discharges that pass through oil/water separators.

Discharge Monitoring Reports (DMRs) of quarterly monitoring shall be submitted to the DEQ Regional Office no later than the 10th day of April, July, October and January.

B. Discharge of storm water which does not combine with other wastewater:

<u>Parameter</u>	<u>Monitoring Requirement</u>
Flow	Report volume discharged during monitored storm event
Total Suspended Solids	Report maximum
pH	Report minimum and maximum

Monitoring and reporting of grab sample analysis results are required once per year for storm event that is greater than 0.1 inches in magnitude.

Discharge Monitoring Reports (DMRs) of yearly monitoring (January 1<sup>st</sup> to December 31<sup>st</sup>) shall be submitted to the DEQ Regional Office no later than the 10<sup>th</sup> day of January.

III. Basis for Proposed Effluent Limits and Monitoring Requirements, Commingled Wastewater:

Mining area wastewaters are recycled as a source of processing water, lost by evaporation or discharged. The discharges that are not recycled are controlled by limitations in this draft permit. These discharges may consist of storm water associated with industrial activity which has come in contact with overburden, raw material, intermediate product, finished product, byproduct or waste product; process wastewater which may include water used in the process of washing mined materials, vehicle/equipment washing wastewater and miscellaneous plant cleanup wastewater and mine pit dewatering which may include the above collected discharges along with accumulated groundwater that enters the mine. Treatment usually consists of sedimentation.

The discharge parameters to be limited are pH and total suspended solids (TSS), with Total Petroleum Hydrocarbons (TPH) monitoring from vehicle/equipment washing facilities or from discharges that pass through oil/water separators.

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### General Permit for Nonmetallic Mineral Mining Facilities

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The pH limitation is based upon Virginia's water quality standards and federal effluent guidelines (40 CFR Part 436). Stream standards for pH are in most cases the range of 6 to 9 Standard Units (SU); however, there are special standards in effect in some areas (only 6.5 to 9.5 SU at present). Special in-stream standards for pH will require adjustment of the pH limitation within the 6 to 9 SU range in order to meet water quality standards and effluent guideline technology requirements. For example, a 6.5 to 9.5 SU special standard will necessitate a 6.5 to 9.0 SU effluent limit.

TSS limitations are based on federal effluent guidelines for some of the industrial categories covered by the draft general permit and on levels which, based on the Department's experience with individual VPDES permits, will protect receiving waters from solids impacts.

TPH monitoring is retained in this reissuance draft only for outfalls from vehicle/equipment washing facilities or discharges that pass through oil/water separators. Review of TPH data from the last permit cycle indicated negligible levels of TPH from commingled wastewater in the mine pits.

The monitoring frequency and sample type have been established after considering the consistency and nature of these operations, the existing analytical data and the potential environmental risk and consequences of the discharges. Reporting of monitoring data is required quarterly.

#### IV. Basis for Proposed Part I Storm Event Monitoring Requirement

Storm water associated with industrial activity that is not combined with process wastewater may be discharged from mining activities covered by this permit. This storm water may have come in contact with or been exposed to overburden, raw material, intermediate product, finished product or byproduct and it may contain sediments eroded from the exposed surfaces of the mine, stockpiles, overburden storage, processing areas, or overburden disposal areas. It is necessary for the protection of water quality in the streams receiving the storm water runoff from a mining operation that appropriate erosion and sedimentation controls and practices be designed and implemented at these facilities. The erosion and sedimentation control practices mandated by the DMM regulations and imposed on the mineral mine through their mining permit include requirements that temporary and permanent control facilities for mining operations be designed to accommodate the rainfall from at least the 50-year and 100-year storm event, respectively, and that control facilities provide for considerable sediment storage (0.125 acre-feet per disturbed acre). The storm event specifications in these requirements exceed the 10-year storm event threshold after which federal effluent guidelines exempt overflows from applicable federal effluent limitations.

The permittees are required to monitor these discharges for pH and TSS once per year over the term of the permit and report the results to the Department.

#### V. Basis for Proposed Special Conditions:

A. Special Condition No. 1 requires that vehicles and equipment used in the industrial activity are to be operated and maintained in a manner that prevents pollution of surface or ground water. Petroleum products and other fluids are to be stored and handled such that discharge of pollutants to state waters is prevented. The basis for the condition is water quality standards.

B. Special Condition No. 2 prohibits sewage discharges to surface waters under this general permit. Any sewage discharges would require coverage by a separate, individual permit. The basis for the condition is water quality standards and federal secondary sewage treatment standards.



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### General Permit for Nonmetallic Mineral Mining Facilities

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C. Special Condition No. 3 prohibits the discharge of chemical additives other than those identified in the registration statement and approved at the time coverage is granted under the general permit. The basis for the condition is water quality standards.

D. Special Condition No. 4 requires that the permittee submit a new registration statement if the DMM mining permit is modified or renewed in any way that would affect the location or characteristics of any discharge covered by the general permit. Any changes to the mining facility that could impact discharge quality require additional review before coverage under the general permit is continued. The basis for the condition is water quality standards.

E. Special Condition No. 5 is a requirement for notification of discharges of any unlimited toxic pollutants. The basis for the condition is 40 CFR 122.42(a) and 9 VAC 25-31-200 A.

F. Special Condition No. 6 is an EPA industrial reopener that addresses federal promulgation of more stringent effluent standards or limitations pertaining to this industry. The basis is 40 CFR 122.44(c) and 9 VAC 25-31-220 C.

G. Special Condition No. 7 requires that all materials, products and wastes be handled and stored or disposed of such that discharge of pollutants to state waters is prevented. The basis for the condition is water quality standards.

H. Special Condition No. 8 prohibits the discharge of process wastewater pollutants from co-located asphalt operations. The basis is 40 CFR Part 443.

I. Special Condition No. 9 allows process water to be used for dust suppression on site. The basis for the condition is best management practices where applicable to control or abate the discharge of pollutants.

J. Special Condition No. 10 allows process water to be provided to local property owners for beneficial agricultural use. This language is included in keeping with DEQ's pollution prevention philosophy.

K. Special Condition No. 11 establishes the type of vehicle/ equipment washing allowed on site. The basis for the condition is water quality standards.

L. Special Condition No. 12 requires all effluent limitations to be written using two significant figures. The basis for this condition is Guidance Memo No. 04-2020 Significant figures for Discharge Monitoring Reports.

M. Special Condition No. 13 requires a storm water total suspended solids evaluation if the evaluation result is greater than 100 mg/l. The basis for this condition is the EPA 2008 Multi-sector General Permit (MSGP).

N. Special Condition No. 14 requires facilities subject to total maximum daily load waste load allocations established prior to this permit issuance to address measures and controls in the storm water pollution prevention plan. The basis for this condition is Section 303(d) of the clean Water Act requires that Total Maximum Daily Loads (TMDLs) be developed for streams listed as impaired.

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It is believed that the above effluent limitations and special conditions will maintain State water quality standards.

#### VI. Basis for Proposed Requirements for Storm Water Management

Storm water management is required to reduce the potential for pollutants to reach state waters via storm water discharges. Storm water management requirements in Part II are generally current with storm water management requirements in the General Permit for Discharges of Storm Water Associated with Industrial Activity, while taking into account the characteristics of the industry to be regulated under this general permit.

Management of storm water is to be achieved through the development of a storm water pollution prevention plan. The plan is intended to identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges and will describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges. The pollution prevention plan requirement maintains the flexibility for a site-specific plan to be developed and implemented but identifies specific components that the plan must address. These components include the formation of a pollution prevention team, a description of pollutant sources, identification and implementation of measures and controls and a comprehensive site compliance evaluation.

An annual comprehensive site evaluation for all facilities is required in order to allow for the identification of areas contributing to a storm water discharge associated with industrial activity and the evaluation of whether measures to reduce pollutant loadings identified in the storm water pollution prevention plan are adequate and properly implemented in accordance with the terms of the permit, or whether additional control measures are needed. Quarterly inspections, including visual examination of storm water discharges, are required to identify sources of pollution and to evaluate whether the pollution prevention measures are being effectively implemented. The inspections are considered a means of determining compliance with permit conditions without requiring extensive sampling programs. The permittee is required to maintain records summarizing the results of inspections and a certification that the facility is in compliance with the permit.

#### VII. Administrative:

The general permit will have a fixed term of five (5) years. Every authorization to discharge under this general permit will expire at the same time and all authorizations to discharge will be renewed on the same date.

All persons desiring to be covered by this general permit must register with the Department by filing a registration statement and applicable fees. Nonmetallic mineral mining facilities that are discharging on the effective date of this general permit and which have not been covered under the previous general permit or an individual VPDES permit are required to submit the registration statement. Existing operations covered under an individual VPDES permit that wish to seek coverage under the general permit must file a registration statement at least 180 days prior to the expiration date of the individual VPDES permit. Existing operations covered under the previous general permit seeking to retain coverage under the reissued general permit must file a new registration in accordance with the existing general permit requirements. For all new facilities that will begin activities after the effective date of this permit, the registration statement must be filed at least 30 days prior to the commencement of operation.

This general permit does not cover activities or discharges covered by an individual VPDES permit until the individual permit has expired or has been revoked. Any person conducting an activity covered by an

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### General Permit for Nonmetallic Mineral Mining Facilities

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individual permit which could be covered by this general permit may request that the individual permit be terminated and register for coverage under this general permit. Antibacksliding will be considered prior to granting coverage under this general permit. Any owner or operator not wishing to be covered or limited by this general permit may make application for an individual VPDES permit in accordance with VPDES procedures.

This general permit does not apply to any new or increased discharge that will result in significant effects to the receiving waters, in accordance with the State Water Control Board's Antidegradation Policy contained in the Virginia Water Quality Standards (9 VAC 25-260-5 et seq.).

All facilities that the Department believes are eligible for coverage under this general permit will be authorized to discharge under the terms and conditions of the permit after a complete registration statement is submitted, the applicable permit fee is paid and the Department sends a copy of the general permit to the applicant. If this general permit is inappropriate, the applicant will be so notified and the requirement that an individual permit or alternate general permit is needed will remain in effect.

# **ATTACHMENT C**

## **Registration Statement and Instructions**

**VPDES GENERAL PERMIT REGISTRATION STATEMENT  
NONMETALLIC MINERAL MINING**

1. **Facility Owner:** \_\_\_\_\_
2. **Owner Mailing address:** Street or P.O. Box \_\_\_\_\_  
City or Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_
3. **Owner Telephone #:** \_\_\_\_\_ 4. **Owner Email:** \_\_\_\_\_
5. **Contact Name:** \_\_\_\_\_ 6. **Contact Telephone #:** \_\_\_\_\_
7. **Contact Email:** \_\_\_\_\_ 8. **Fax number:** \_\_\_\_\_
9. **Facility Name:** \_\_\_\_\_ 10. **Facility Lat/Long:** \_\_\_\_\_
11. **Facility Location:** \_\_\_\_\_  
(County, Street Number, Route Number, or Other Identifier)

12. **Description of mining activity (mineral mined):** \_\_\_\_\_  
\_\_\_\_\_
13. **Primary SIC code:** \_\_\_\_\_ **Secondary SIC codes:** \_\_\_\_\_

14. **Discharge Information:**

OUTFALL NUMBER	OUTFALL TYPE (see note 1)	SOURCE OF DISCHARGE (see note 2)	RECEIVING STREAM AND WETLANDS NAME	LATITUDE/ LONGITUDE

Notes: 1. Outfall Type - list as (1) process wastewater, (2) storm water, or (3) process water commingled with storm water.  
2. Source of Discharge - list as any one or combination of the following: (1) mine pit dewatering, (2) storm water associated with industrial activity, (3) storm water not associated with industrial activity, (4) ground water infiltration, (5) wastewater from vehicle and/or equipment washing activities, (6) mined material washing, (7) noncontact cooling water, (8) miscellaneous plant cleanup wastewater, (9) co-located facility discharges (identify the co-located facility), or (10) other discharges not listed here (describe).

15. **Storm Water Outfalls - Representative Discharges:**

- a. **Indicate which exclusively storm water outfalls (if any) will be representative outfalls that require a single Discharge Monitoring Report (DMR) submittal.**
- b. **For storm water outfalls which are to be represented by other outfall discharges, attach a description of the activities associated with those outfalls and explain why they are substantially the same as the representative outfall to be sampled.**

16. **Does this mine currently have a VPDES permit?** Yes ☐ No ☐ (If yes, give permit number) \_\_\_\_\_

Continued

**17. Description of wastewater treatment or reuse/recycle systems, or both:**

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**18. List any chemicals added to water that could be discharged:**

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**19. Indicate any co-located facilities:**

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**20. Is this facility a hazardous waste treatment, storage, or disposal facility?** Yes ☐ No ☐**21. Attach to this registration statement a schematic drawing showing the sources of water used on the property, the industrial operations contributing to or using water, and the conceptual design of the methods of treatment and disposal of wastewater and solids. Identify outfall numbers listed in item 14 above.****22. Attach to this registration statement an aerial photo or scale map which clearly shows the property boundaries, plant site, drainage areas associated with each outfall, locations of all mine pit dewatering, existing, significant sources of materials exposed to precipitation, storm water or process wastewater outfalls listed in item 14 above and the receiving streams.****23. Attach to this registration statement evidence that the operation to be covered by this general permit has a mining permit which has been approved by the Virginia Department of Mines, Minerals and Energy, Division of Mineral Mining (or associated waived program) under the provisions and requirements of Title 45.1 of the Code of Virginia. Mineral mines owned and operated by governmental bodies not subject to the provisions and requirements of Title 45.1 of the Code of Virginia are exempt from this requirement.**Mining Permit No.: 

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**24. Does the facility discharge storm water into a Municipal Separate Storm Sewer System (MS4)?** Yes ☐ No ☐If yes, provide name of the MS4 operator 

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**25. Would you like your permit sent to you electronically?** Yes ☐ No ☐If yes, please list the email address to send it to: 

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**Certification:**

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Signature: 

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 Date: 

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Print Name 

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 Title: 

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**Required attachments:**

1. Evidence of approved mining permit
2. Water use schematic drawing
3. Aerial photo or map

**FOR DEPARTMENT USE ONLY:**

Accepted/Not Accepted by: 

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 Date: 

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Basin 

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 Stream Class 

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 Section 

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Special Standards 

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TMDL Compliance 

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# INSTRUCTION FOR COMPLETING THE REGISTRATION STATEMENT FOR THE GENERAL VPDES PERMIT FOR NONMETALLIC MINERAL MINING FACILITIES (VAG84)

## WHO MUST FILE THE REGISTRATION STATEMENT

This registration statement must be completed and submitted by any Nonmetallic Mineral Mining facility requesting coverage under the above general permit for process wastewater discharges and/or regulated storm water discharges.

## WHERE TO FILE THE REGISTRATION STATEMENT

The completed registration statement with original signature, a copy of the fee form, and a copy of your check for the appropriate fee should be sent to the Department of Environmental Quality Regional Office that serves the area where your facility is located. The original fee form and the check should be sent to DEQ Receipts Control, P.O. Box 1104, Richmond, VA 23218. Regional Office addresses can be obtained from our website at [www.deq.virginia.gov](http://www.deq.virginia.gov), or by calling the DEQ at (804) 698-4000.

## COMPLETENESS

Complete all items except where indicated, or enter NA for "not applicable" in order for your registration statement to be accepted. If you need more space than the form allows, write on and attach extra sheets of paper.

## DEFINITIONS

SIC Code mean the "Standard Industrial Classification" code listed in the Federal Office of Management and Budget (OMB) SIC Manual, 1987. SIC codes are used as identifiers of industries with certain characteristics.

Storm water means storm water run-off, snow melt run-off, and surface run-off and drainage.

Process Wastewater means any wastewater used in the slurry transport of mined material, air emissions control, or processing exclusive of mining, and any other water that becomes commingled with such wastewater in a pit, pond, lagoon, mine, or other facility used for treatment of such wastewater. It includes mine pit dewatering, water used in the process of washing stone, noncontact cooling water, wastewater from vehicle/equipment washing activities, return water from operations where mined material is dredged and miscellaneous plant cleanup wastewaters.

## LINE BY LINE INSTRUCTIONS

- Item 1: Provide the name of the person or corporation that owns the business. This does not have to be the owner of the building (e.g., if it is leased) but should be who is responsible for the business and wants coverage under the general permit.
- Item 2: Provide the mailing address of the above person.
- Item 3: Provide the telephone number of the above person.
- Item 4: Provide email address of the above person (this is not required but helpful for future methods of communication).
- Item 5: Provide a contact name for the facility if that is different than the owner.
- Item 6: Provide the contact telephone number.
- Item 7: Provide contact email address (this is not required but helpful for future methods of communication).
- Item 8: Provide the fax number where you would like information sent.
- Item 9: Provide the facility name of the Nonmetallic Mineral Mining facility.
- Item 10: Provide the latitude and longitude for the facility (typically, use the main building at the facility for determining latitude and longitude coordinates).
- Item 11: Provide county and other location information for the facility.
- Item 12: Provide a brief description of the mining activity and the mineral mined.
- Item 13: Provide the facility's primary and secondary SIC Codes. This permit covers discharges of process wastewater as well as storm water associated with industrial activity from active and inactive mineral mines classified nonmetallic mineral mining facilities under SIC codes 1411, 1422, 1423, 1429, 1442, 1455, 1459 excluding bentonite and magnesite mines, 1475, and 1499 excluding gypsum, graphite, asbestos, diatomite, jade, novaculite, wollastonite, tripoli or asphaltic mineral. Secondary industrial activities co-located on site are also covered as long as the secondary activity has wastewater characteristics similar to those of the mineral mine and is located within the permitted mining area. These secondary activities commonly found at mining include manufacturing of ready-mix concrete (SIC Code 3273), concrete products (SIC Codes 3271 and 3272), and asphalt paving materials (SIC Code 2951) except asphalt emulsion manufacturing. It does not mean industrial activity that is specifically excluded from this permit.
- Item 14: DISCHARGE INFORMATION
  - Outfall Number - list all outfall discharges by a number, such as 001, 002, etc. All outfall numbers must be unique and may not reused when outfalls are eliminated.
  - Outfall type - list as either: (1) process wastewater, (2) storm water, or (3) process water commingled with storm water.
  - Source of Discharge - list as any one or combination of the following: (1) mine pit dewatering, (2) storm water associated with industrial activity, (3) storm water not associated with industrial activity, (4) ground water infiltration, (5) wastewater from vehicle and/or equipment washing activities, (6) mined material washing, (7) noncontact cooling water, (8) miscellaneous plant cleanup wastewater, (9) co-located facility discharges (identify the co-located facility), or (10) other discharges not listed here (describe).
  - Receiving Stream and Wetlands Name - list the name of the receiving stream for each outfall. If the discharge is to an unnamed tributary (UT) to a named stream, identify it as, e.g., "Smith Creek, UT." If the discharge is to wetlands, identify it as, e.g., "Wetlands, Smith Creek." Discharge to the receiving stream may be through a municipal separate storm sewer system.
  - Latitude and Longitude - provide this location information.
- Item 15: STORM WATER OUTFALLS - REPRESENTATIVE OUTFALLS
  - When a facility has two or more exclusively storm water outfalls that the permittee reasonably believes discharge substantially identical effluents, based on a consideration of industrial activity, significant materials, and management

practices and activities within the area drained by the outfalls, then the permittee may submit information with the registration statement substantiating the request for only one Discharge Monitoring Report (DMR) to be submitted for the outfall to be sampled that represents one or more substantially identical outfalls.

Indicate which exclusively storm water outfalls (if any) will be representative outfalls that require a single (DMR). For storm water outfalls which are to be represented by other outfall discharges, attach a description of the activities associated with those outfalls and explain why they are substantially the same as the representative outfall to be sampled. The explanation must include a description of the industrial activity, significant materials, and management practices and activities within the area drained by the outfalls.

- Item 16: Indicate if the facility currently has a VPDES permits and provide the permit number if applicable.
- Item 17: Describe the type(s) of wastewater treatment employed, including reuse/recycle system(s). Identify any system(s) which operates only in a "no discharge" mode.
- Item 18: List all chemicals that are currently used or anticipated to use within the life of the permit term on the registration statement. The use of any chemical additives, except chlorine, without prior approval is prohibited under this general permit. Prior approval shall be obtained from the DEQ before any changes are made to the chemical usage. The MSDS and available aquatic toxicity information for each additive used may be obtained from the manufacturer of the chemical additives.
- Item 19: Indicate any co-located facilities. Secondary industrial activity co-located on site is also covered as long as the secondary activity has wastewater characteristics similar to those of the mineral mine and is located within the permitted mining area. Secondary activities commonly found at mining include manufacturing of ready-mix concrete, concrete products, and asphalt paving materials, except asphalt emulsion manufacturing. It does not mean industrial activity that is specifically excluded from this permit
- Item 20: Indicate is the facility is a hazardous waste treatment, storage, or disposal facility
- Item 21: SCHEMATIC DRAWING  
The schematic drawing should show the source(s) of water used for production, the industrial operations contributing to or using water, and the conceptual design of the methods of treatment and disposal of wastewater and solid materials (such as solids from the settling basins and waste concrete materials). If a liner is installed in the settling basin(s), the drawing should reflect its specifications.
- Item 22: MAP  
Provide an aerial photo or scale map which clearly shows the property boundaries, plant site, drainage areas associated with each outfall, locations of all mine pit dewatering, existing, significant sources of materials exposed to precipitation, storm water or process wastewater outfalls and the receiving streams.
- Item 23: DEPARTMENT OF MINES, MINERALS AND ENERGY GENERAL PERMIT  
Provide the mining permit number and evidence that the operation to be covered by this general permit has a mining permit which has been approved by the Virginia Department of Mines, Minerals and Energy, Division of Mineral Mining (or associated waived program) under the provisions and requirements of Title 45.1 of the Code of Virginia. Mineral mines owned and operated by governmental bodies not subject to the provisions and requirements of Title 45.1 of the Code of Virginia are exempt from this requirement.
- Item 24: Indicate if the facility discharges into a Municipal Separate Storm Sewer System (MS4) and provide the name of the MS4 operator, if applicable.

## **STORM WATER POLLUTION PREVENTION PLAN**

For proposed facilities a Storm Water Pollution Prevention Plan shall be prepared and implemented on or before the date of submission of the registration statement.

Existing facilities shall prepare and implement a plan incorporating the storm water pollution prevention plan requirements of this permit, if not included in an existing plan, as expeditiously as practicable, but not later than July 1, 2010. Existing storm water pollution prevention plans being implemented as of July 1, 2009 shall continue to be implemented until a new plan is developed and implemented.

## **ANTIDEGRADATION REQUIREMENTS**

Coverage under this general permit is not authorized unless the discharge complies with Virginia's antidegradation policy in the Water Quality Standards at 9VAC25-260-30. The Department will notify the applicant if authorization to discharge under this general permit will not comply with the antidegradation requirements set forth in 9VAC25-260-30.

## **SIGNATURE AND CERTIFICATION**

All registration statement shall be signed as follows:

1. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
2. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
3. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.



# **ATTACHMENT D**

## **General VPDES Permit Pages**

General Permit No.: VAG84

Effective date: July 1, 2009

Expiration date: June 30, 2014

GENERAL PERMIT FOR NONMETALLIC MINERAL MINING

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE  
ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant to it, owners of nonmetallic mineral mines are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in board regulations or policies which prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I—Effluent Limitations and Monitoring Requirements, Part II—Storm Water Management, and Part III—Conditions Applicable to All VPDES Permits, as set forth herein.

Part I  
Effluent Limitations and Monitoring Requirements

A. Effluent limitations and monitoring requirements.

1. During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge process wastewater and commingled storm water associated with industrial activity from outfall(s) XXX.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
	Monthly Average	Daily Minimum	Daily Maximum	Frequency <sup>(3)</sup>	Sample Type
Flow (MGD)	NL	NA	NL	1/3 Months	Estimate
Total Suspended Solids (mg/l)	30	NA	60	1/3 Months	Grab
pH (standard units)	NA	6.0 <sup>(1)</sup>	9.0 <sup>(1)</sup>	1/3 Months	Grab
Total Petroleum Hydrocarbons (mg/l) <sup>(2)</sup>	NA	NA	NL	1/3 Months	Grab

NL = No Limitation, monitoring required

NA = Not Applicable

<sup>(1)</sup>Where the Water Quality Standards (9VAC25-260) establish alternate standards for pH, pH effluent limits may be adjusted within the 6 to 9 S.U. range.

<sup>(2)</sup>Monitoring for Total Petroleum Hydrocarbons is only required for outfalls from vehicle/equipment washing facilities or from discharges that pass through oil/water separators.

<sup>(3)</sup>Discharge Monitoring Reports (DMRs) of quarterly monitoring shall be submitted to the DEQ regional office no later than the 10<sup>th</sup> day of April, July, October, and January.

2. There shall be no discharge of floating solids or visible foam in other than trace amounts.

3. During the period beginning with the permittee's coverage under the general permit and lasting until the permit's expiration date, the permittee is authorized to discharge storm water associated with industrial activity which does not combine with other wastewaters prior to discharge from outfall(s) XXX.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
	Monthly Average	Daily Minimum	Daily Maximum	Frequency <sup>(2)</sup>	Sample Type
Flow (MG)	NA	NA	NL	1/Year	Estimate <sup>(1)</sup>
Total Suspended Solids (mg/l)	NA	NA	NL <sup>(3)</sup>	1/Year	Grab
pH (standard units)	NA	NL	NL	1/Year	Grab

NL = No Limitation, monitoring required

NA = Not applicable

<sup>(1)</sup>Estimate of the total volume of the discharge during the storm event.

<sup>(2)</sup>Discharge Monitoring Reports (DMRs) of yearly monitoring (January 1 to December 31) shall be submitted to the DEQ regional office no later than the 10th day of January.

<sup>(3)</sup>Refer to Part I B 13 should the TSS evaluation monitoring exceed 100 mg/l daily maximum.

4. All samples taken to meet the monitoring requirements specified above in Part I A 3 shall be collected on a storm event that results in an actual discharge (defined as a "measurable storm event") that follows the preceding measurable storm event by at least 72 hours (3 days). The 72-hour (3-day) storm interval does not apply if the permittee is able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. The grab sample shall be taken during the first 30 minutes of the storm water discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the permittee shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. In the case of snowmelt or a discharge from a storm water settling lagoon, a representative sample shall be taken at the time the discharge occurs.

#### B. Special conditions.

1. Vehicles and equipment utilized during the industrial activity on a site must be operated and maintained in such a manner as to prevent the potential or actual point source pollution of the surface or groundwaters of the state. Fuels, lubricants, coolants, and hydraulic fluids, or any other petroleum products, shall not be disposed of by discharging on the ground or into surface waters. Spent fluids shall be disposed of in a manner so as not to enter the surface or groundwaters of the state and in accordance with the applicable state and federal disposal regulations. Any spilled fluids shall be cleaned up to the maximum extent practicable and disposed of in a manner so as not to allow their entry into the surface or groundwaters of the state.

2. No sewage shall be discharged from this mineral mining activity except under the provisions of another VPDES permit specifically issued for that purpose.

3. There shall be no chemicals added to the discharge, other than those listed on the owner's approved registration statement.

4. The permittee shall submit a new registration statement if the mining permit approved by the Division of Mineral Mining (or associated waived program, or bordering state mine authority) is modified or reissued in any way that would affect the outfall location or the characteristics of a discharge covered by this general permit. Government owned and operated mines without mining permits shall submit the registration statement whenever outfall location or characteristics are altered. The new registration statement shall be filed within 30 days of the outfall relocation or change in the characteristics of the discharge.

5. The permittee shall notify the department as soon as they know or have reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

(1) One hundred micrograms per liter (100 µg/l);

(2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

- (3) Five times the maximum concentration value reported for that pollutant in the permit application; or
  - (4) The level established by the board.
- b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:
- (1) Five hundred micrograms per liter (500 µg/l);
  - (2) One milligram per liter (1 mg/l) for antimony;
  - (3) Ten times the maximum concentration value reported for that pollutant in the permit application; or
  - (4) The level established by the board.
6. This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation or prohibition for a pollutant which is promulgated or approved under § 307(a)(2) of the federal Clean Water Act, if the effluent standard or limitation so issued or approved:
- a. Is more stringent than any effluent limitation on the pollutant already in the permit; or
  - b. Controls any pollutant not limited in the permit.
7. Except as expressly authorized by this permit, no product, materials, industrial wastes, or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of, or stored so as to permit a discharge of such product, materials, industrial wastes, or other wastes to state waters.
8. There shall be no discharge of process wastewater pollutants from colocated asphalt paving materials operations. For the purposes of this special condition, process wastewater pollutants are any pollutants present in water used in asphalt paving materials manufacturing which come into direct contact with any raw materials, intermediate product, by-product or product related to the asphalt paving materials manufacturing process.
9. Process water may be used on site for the purpose of dust suppression. Dust suppression shall be carried out as a best management practice but not as a wastewater disposal method provided that ponding or direct runoff from the site does not occur during or immediately following its application.
10. Process water from mine dewatering may be provided to local property owners for beneficial agricultural use.
11. Vehicle/equipment washing shall include washing with detergents or steam cleaning of engines and other drive components in which the purpose is to clean and decrease the equipment for maintenance and other purposes. The application of water without detergent to a vehicle exterior for the purpose of removing is excluded.
12. The permittee shall report at least two significant digits for a given parameter. Regardless of the rounding convention used (i.e., 5 always rounding up or to the nearest even number) by the permittee, the permittee shall use the convention consistently and shall ensure that consulting laboratories employed by the permittee use the same convention.
13. Storm Water Monitoring Total Suspended Solids (TSS) Evaluation. Permittees that monitor storm water associated with industrial activity which does not combine with other wastewaters prior to discharge shall review the results of the TSS monitoring required by

Part I A 3 to determine if changes to the Storm Water Pollution Prevention Plan (SWPPP) may be necessary. If the TSS monitoring results are greater than the evaluation value of 100 mg/l, then the permittee shall perform the inspection and maintain documentation as described in Part II H 3 d for that outfall. Any deficiencies noted during the inspection shall be corrected in a timely manner.

14. Discharges to waters subject to TMDL waste load allocations. Facilities that are a source of the specified pollutant of concern to waters for which a "total maximum daily load" (TMDL) waste load allocation has been established by the board and approved by EPA prior to the term of this permit shall incorporate measures and controls into the SWPPP required by Part II that are consistent with the assumptions and requirements of the TMDL. The department will provide written notification to the owner that a facility is subject to the TMDL requirements. If the TMDL establishes a numeric wasteload allocation that applies to discharges from the facility, the owner shall perform any required monitoring in accordance with Part I A and implement measures necessary to meet that allocation.

15. There shall be no discharge or storm water discharge-related activities which cause or contribute to a violation of water quality standards or that adversely affect aquatic life.

## Part II Storm Water Management

### A. Recording of results.

1. Additional information. In addition to any reporting requirements of Part III, for each measurement or sample taken pursuant to the storm event monitoring requirements of this permit, the permittee shall record and report with the discharge monitoring report the following information:

- a. The date and duration (in hours) of the storm events sampled; and
- b. The rainfall measurements or estimates (in inches) of the storm event which generated the sampled discharge.

2. Additional reporting. In addition to filing copies of discharge monitoring reports in accordance with Part III, permittees with at least one storm water discharge associated with industrial activity through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more) or a municipal system designated by the board must submit signed copies of discharge monitoring reports to the operator of the municipal separate storm sewer system at the same time.

B. Representative discharge. When a facility has two or more exclusively storm water outfalls that the permittee reasonably believes discharge substantially identical effluents, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfalls, then the permittee may submit information with the registration statement substantiating the request for only one DMR to be issued for the outfall to be sampled that represents one or more substantially identical outfalls. Also the permittee may list on the discharge monitoring report of the outfall to be sampled all outfall locations that are represented by the discharge.

### C. Sampling waiver.

1. Adverse conditions. When a permittee is unable to collect samples within a specified sampling period due to adverse climatic conditions, the permittee shall collect a substitute sample from a separate qualifying event in the next period and submit these data along with the data for the routine sampling in that period. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

2. Inactive and unstaffed facilities. When a permittee is unable to conduct the storm water sampling required at an inactive and unstaffed facility, the permittee may exercise a waiver of the monitoring requirements as long as the facility remains inactive and unstaffed. The permittee must submit to the department, in lieu of monitoring data, a certification statement on the discharge monitoring report stating that the facility is inactive and unstaffed so that collecting a sample during a qualifying event is not possible. The requirement for a quarterly visual assessment does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater.

D. Storm water pollution prevention plans. A storm water pollution prevention plan shall be developed for each facility covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in

storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

The storm water pollution prevention plan requirements of this general permit may be fulfilled by incorporating by reference other plans or documents such as an erosion and sediment control plan, a mine drainage plan as required by the Virginia Division of Mineral Mining, a spill prevention control and countermeasure (SPCC) plan developed for the facility under § 311 of the federal Clean Water Act or best management practices (BMP) programs otherwise required for the facility provided that the incorporated plan meets or exceeds the plan requirements of Part II H. If an erosion and sediment control plan is being incorporated by reference, it shall have been approved by the locality in which the activity is to occur or by another appropriate plan-approving authority authorized under the Virginia Erosion and Sediment Control Regulations, 4VAC50-30. All plans incorporated by reference into the storm water pollution prevention plan become enforceable under this permit. If a plan incorporated by reference does not contain all of the required elements of the storm water pollution prevention plan of Part II H, the permittee must develop the missing plan elements and include them in the required storm water pollution prevention plan.

E. Deadlines for plan preparation and compliance.

1. Existing facilities and new facilities that begin operation on or before July 1, 2009, shall prepare and implement a plan incorporating the storm water pollution prevention plan requirements of this permit, if not included in an existing plan, as expeditiously as practicable, but not later than July 1, 2010. Existing storm water pollution prevention plans being implemented as of July 1, 2009 shall continue to be implemented until a new plan is developed and implemented.
2. Facilities that begin operation after July 1, 2009, shall prepare and implement a plan incorporating the requirements of this permit prior to submitting the registration statement.

F. Signature and plan review.

1. The plan shall be signed in accordance with Part III K (signatory requirements), and be retained on-site at the facility covered by this permit in accordance with Part III B (records) of this permit. When there are no on-site buildings or offices in which to store the plan, it shall be kept at the nearest company office.
2. The permittee shall make the storm water pollution prevention plan, annual site compliance inspection report, or other information available to the department upon request.
3. The director, or an authorized representative, may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this part. Within 60 days of such notification from the director, or as otherwise provided by the director, or an authorized representative, the permittee shall make the required changes to the plan and shall submit to the department a written certification that the requested changes have been made.

G. Keeping plans current. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the state or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part II H 2 (description of potential pollutant sources) of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges



associated with industrial activity. New owners shall review the existing plan and make appropriate changes. Amendments to the plan may be reviewed by the department in the same manner as described in Part II F.

H. Contents of plan. The plan shall include, at a minimum, the following items:

1. Pollution prevention team. Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water pollution prevention team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

2. Description of potential pollutant sources. Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each plan shall include, at a minimum:

- a. Drainage.

- (1) A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water run-off, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part II H 2 c (spills and leaks) of this permit have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes and wastewaters, liquid storage tanks, processing areas and storage areas. The map must indicate all outfall locations. The types of discharges contained in the drainage areas of the outfalls must be indicated either on the map or in an attached narrative.

- (2) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity. Factors to consider include the toxicity of the chemicals; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

- b. Inventory of exposed materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of coverage under this general permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water run-off between the time of three years prior to the date of coverage under this general permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water run-off; and a description of any treatment the storm water receives.

c. Spills and leaks. A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of three years prior to the date of coverage under this general permit. Such list shall be updated as appropriate during the term of the permit.

d. Sampling data. A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

e. Risk identification and summary of potential pollutant sources. A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concern shall be identified.

3. Measures and controls. Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

a. Good housekeeping. Good housekeeping requires the maintenance of areas which may contribute pollutants to storm water discharges in a clean, orderly manner. The plan shall describe procedures performed to minimize contact of materials with storm water run-off. Particular attention should be paid to areas where raw materials are stockpiled, material handling areas, storage areas, liquid storage tanks, and loading/unloading areas.

b. Preventive maintenance. A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems. The maintenance program shall require periodic removal of debris from discharge diversions and conveyance systems. Permittees using settling basins to control their effluents must provide maintenance schedules for such basins in the pollution prevention plan.

c. Spill prevention and response procedures. Areas where potential spills which can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.

d. Inspections. Facility personnel who are familiar with the mining activity, the best management practices and the storm water pollution prevention plan shall be identified to inspect material storage and handling areas, liquid storage tanks, hoppers or silos, vehicle and equipment maintenance areas, cleaning and fueling areas, material handling

vehicles and designated equipment and processing areas of the facility; to inspect best management practices; and to conduct visual examinations of storm water associated with industrial activity. The inspection frequency shall be specified in the plan based upon a consideration of the level of industrial activity at the facility, but shall be a minimum of quarterly. Inspections of best management practices shall include inspection of storm water discharge diversions, conveyance systems, sediment control and collection systems, containment structures, vegetation, serrated slopes, and benched slopes to determine their effectiveness, the integrity of control structures, if soil erosion has occurred, or if there is evidence of actual or potential discharge of contaminated storm water. Visual examinations of storm water discharges associated with industrial activity shall include examination of storm water samples representative of storm event discharges from the facility and observation of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. Site inspection, best management practices inspection and visual examination results must be documented and maintained on-site with the facility pollution prevention plan. Documentation for visual examinations of storm water shall include the examination date and time, examination personnel, outfall location, the nature of the discharge, visual quality of the storm water discharge and probable sources of any observed storm water contamination. Part II B regarding representative discharges and Part II C regarding sampling waivers shall apply to the taking of samples for visual examination except that (i) the documentation required by these sections shall be retained with the storm water pollution prevention plan visual examination records rather than submitted to the department, and (ii) substitute sampling for waived sampling is not required if the proper documentation is maintained. A set of tracking or followup procedures shall be used to ensure that appropriate actions are taken in response to the inspections.

e. Employee training. Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.

f. Recordkeeping and internal reporting procedures. A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan. Ineffective best management practices must be recorded and the date of their corrective action noted.

g. Sediment and erosion control. The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, or stabilization measures to be used to limit erosion. Permittees must indicate the location and design for proposed best management practices to be implemented prior to land disturbance activities. For sites already disturbed but without best management practices, the permittee must indicate the location and design of best management practices that will be implemented. The permittee is required to indicate plans for grading, contouring, stabilization, and establishment of vegetative cover for all disturbed areas, including road banks.

h. Management of run-off. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or sources of pollutants) used to divert, infiltrate,

reuse, or otherwise manage storm water run-off in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (see Part II H 2 (description of potential pollutant sources) of this permit) shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

4. Comprehensive site compliance evaluation. Facility personnel who are familiar with the mining activity, the best management practices and the storm water pollution prevention plan shall conduct site compliance evaluations at appropriate intervals specified in the plan, but in no case less than once a year for active sites. When annual compliance evaluations are shown in the plan to be impractical for inactive mining sites due to remote location and inaccessibility, site evaluations must be conducted at least once every three years. Such evaluations shall include the following:

a. Areas contributing to a storm water discharge associated with industrial activity, including material storage and handling areas; liquid storage tanks; hoppers or silos; vehicle and equipment maintenance, cleaning, and fueling areas; material handling vehicles; equipment and processing areas; and areas where aggregate is stockpiled outdoors, shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

b. Based on the results of the evaluation, the description of potential pollutant sources identified in the plan in accordance with Part II H 2 (description of potential pollutant sources) of this permit and pollution prevention measures and controls identified in the plan in accordance with Part II H 3 (measures and controls) of this permit shall be revised as appropriate within 14 days of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 90 days after the inspection.

c. A report summarizing the scope of the inspection, personnel making the inspection, the dates of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with Part II H 4 b of this permit shall be made and retained as required in Part III B (records). The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part III K (signatory requirements) of this permit and retained as required in Part III B.

d. Where compliance evaluation schedules overlap with inspections required under Part II H 3 d (inspections), the compliance evaluation may be conducted in place of one such inspection.

Part III  
Conditions Applicable To All VPDES Permits

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.

B. Records.

1. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) and time(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least three years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the board.

C. Reporting monitoring results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the department's regional office.
2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the department.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the department.

4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information which the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the department, upon request, copies of records required to be kept by this permit.

E. Compliance schedule reports. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized discharges. Except in compliance with this permit or another permit issued by the board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part III F (unauthorized discharges); or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part III F, shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification

shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part III I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of noncompliance. The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this subdivision:

- a. Any unanticipated bypass; and
- b. Any upset which causes a discharge to surface waters.

2. A written report shall be submitted within five days and shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The board may waive the written report on a case-by-case basis for reports of noncompliance under Part III I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts III I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part III I 2.

NOTE: The immediate (within 24 hours) reports required in Parts III G, H and I may be made to the department's regional office. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of planned changes.

1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under § 306 of the federal Clean Water Act which are applicable to such source; or

- (2) After proposal of standards of performance in accordance with § 306 of the federal Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with § 306 within 120 days of their proposal;
  - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or
  - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
2. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory requirements.

1. Registration statement. All registration statements shall be signed as follows:
  - a. For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) the chief executive officer of the agency or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. Reports, etc. All reports required by permits, and other information requested by the board, shall be signed by a person described in Part III K 1 or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described in Part III K 1;
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental



matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

c. The written authorization is submitted to the department.

3. Changes to authorization. If an authorization under Part III K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part III K 2 shall be submitted to the department prior to or together with any reports or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts III K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to comply. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the federal Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the federal Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under § 307(a) of the federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under § 405(d) of the federal Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. Effect of a permit. This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights or any infringement of federal, state or local laws or regulations.

O. State law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to, any other state law or regulation or under authority preserved by § 510 of the federal Clean Water Act. Except as provided in permit conditions on "bypass" (Part III U) and "upset" (Part III V), nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges. Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

#### U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Parts III U 2 and U 3.

#### 2. Notice.

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted if possible at least 10 days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part III I (reports of noncompliance).

#### 3. Prohibition of bypass.

a. Bypass is prohibited, and the board may take enforcement action against a permittee for bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part III U 2.

b. The board may approve an anticipated bypass, after considering its adverse effects, if the board determines that it will meet the three conditions listed in Part III U 3 a.

#### V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of Part III V 2 are met. A

determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

- a. An upset occurred and that the permittee can identify the cause(s) of the upset;
- b. The permitted facility was at the time being properly operated;
- c. The permittee submitted notice of the upset as required in Part III I; and
- d. The permittee complied with any remedial measures required under Part III S.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and entry. The permittee shall allow the director or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of ensuring permit compliance or as otherwise authorized by the federal Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit actions. Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the department. Except as provided in Part III Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the federal Clean Water Act.

2. As an alternative to transfers under Part III Y 1, this permit may be automatically transferred to a new permittee if:

- a. The current permittee notifies the department at least 30 days in advance of the proposed transfer of the title to the facility or property;
- b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

c. The board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2 b.

Z. Severability. The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

# **ATTACHMENT E**

## **Registration Statement Transmittal Letter**

## Transmittal Letter

### Nonmetallic Mineral Mining Facilities General Permit Registration Statement

#### Regional Letterhead

Contact  
Company  
Address  
City state zip

RE: Reissuance of the VPDES Nonmetallic Mineral Mining General Permit (VAG84)

Dear Contact:

DEQ's Nonmetallic Mineral Mining General Permit, VAG84, will expire on June 30, 2009. At their April 27<sup>th</sup> meeting, the Water Control Board adopted the amendments to the Nonmetallic Mineral Mining General Permit Regulation as final. The regulation will be published in the Virginia Register on May 25<sup>th</sup>, and should be final on June 24<sup>th</sup>.

Attached is the revised Registration Statement and instructions to reapply for permit coverage. Also attached is the DEQ Water Permit Fee form. **In order to ensure that your application is processed in the shortest amount of time, we recommend that the Registration Statement be returned by [DATE]. However, Registration Statements MUST be returned before July 1<sup>st</sup> for facilities to be in compliance with the regulation.** To renew permit coverage, please return the completed Registration Statement and its required attachments, along with a copy of your check and copy of the completed Fee Form to the DEQ [RO NAME] Regional Office at the following address:

DEQ [RO NAME] Regional Office  
[RO ADDRESS]  
[RO CITY], VA [RO ZIP]

The **original** Fee Form and **original** check for \$600 made out to "Treasurer of Virginia" should be sent to:

DEQ Receipts Control  
P.O. Box 1104  
Richmond, VA 23218.

DEQ has started moving towards a paperless permit processing system. If you would like your permit sent to you electronically, we are asking that you check the "Yes" box on the Registration Statement, item 25, agreeing to allow us to transmit the final permit by email. We believe that electronic permit transfer has benefits for both you and DEQ.

If you have any questions, you may contact me at xxx-xxx-xxxx or by email @jon.writer@deq.virginia.gov.

Sincerely,

Permit Writer

# **ATTACHMENT F**

**Transmittal Letter for Issuing  
General Permit Coverage**

**Transmittal Letter**  
**Nonmetallic Mineral Mining Facilities General Permit**

**Regional Letterhead**

Facility Name  
Address

ATTN: John Contact

RE: Coverage under the General VPDES Permit for Nonmetallic Mineral Mining Facilities  
VAG84\_\_\_\_\_

Dear Permittee:

We have reviewed your Registration Statement received on [DATE], and have determined that activities of the nonmetallic mineral mining facility identified in the Registration Statement are hereby covered under the referenced general VPDES permit. Your coverage under this general permit becomes effective on [DATE]. The enclosed copy of the general permit contains the applicable effluent limitations, monitoring requirements and other conditions of coverage.

A Discharge Monitoring Report (DMR) for your [CHOOSE ALL THAT APPLY: process wastewater and commingled storm water / storm water associated with an industrial activity] [is / are] included with the permit. [The / Each] DMR specifies the applicable effluent limitations, monitoring requirements and monitoring frequency (i.e., quarterly or yearly) contained in the permit. You will be responsible for obtaining additional copies of the DMR[s].

Outfalls [LIST OUTFALLS] are substantially identical storm water discharges and monitoring is only required from one of these outfalls each year. Submit only the DMR for the outfall where the sample was taken. Where practicable sample a different outfall from the previous year so that all outfalls are sampled.

For quarterly monitoring, the DMR[s] should be submitted by the tenth of January, April, July and October. For yearly monitoring, the DMR[s] should be submitted by the tenth of January 10. In accordance with the general permit, you are required to submit the DMR[s] to:

DEQ [RO NAME] Regional Office  
[RO ADDRESS]  
[RO CITY], VA [RO ZIP]

This general permit constitutes coverage of your storm water discharges as required by the storm water regulations for your industry. [For a new facility or facility previously covered under an individual permit: Part II of the general permit requires that you implement a Storm Water Pollution Prevention Plan upon permit coverage.] OR [For a facility previously covered under this general permit only: Part II of the general permit requires that you review and modify, as appropriate your existing Storm Water Pollution Prevention Plan to ensure that you are meeting the requirements of this general permit as expeditiously as practicable, but not later than July 1,



2010. The existing plan shall continue to be implemented until a new plan, if required, is developed and implemented.]

The general permit will expire on June 30, 2014. The 2014 permit reissuance instructions will be provided to you prior to this expiration date. The Registration Statement to be used for renewing your permit coverage may be different at reissuance, so please do not submit a new Registration Statement before you receive our reminder letter and instructions.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Permit Writer